



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

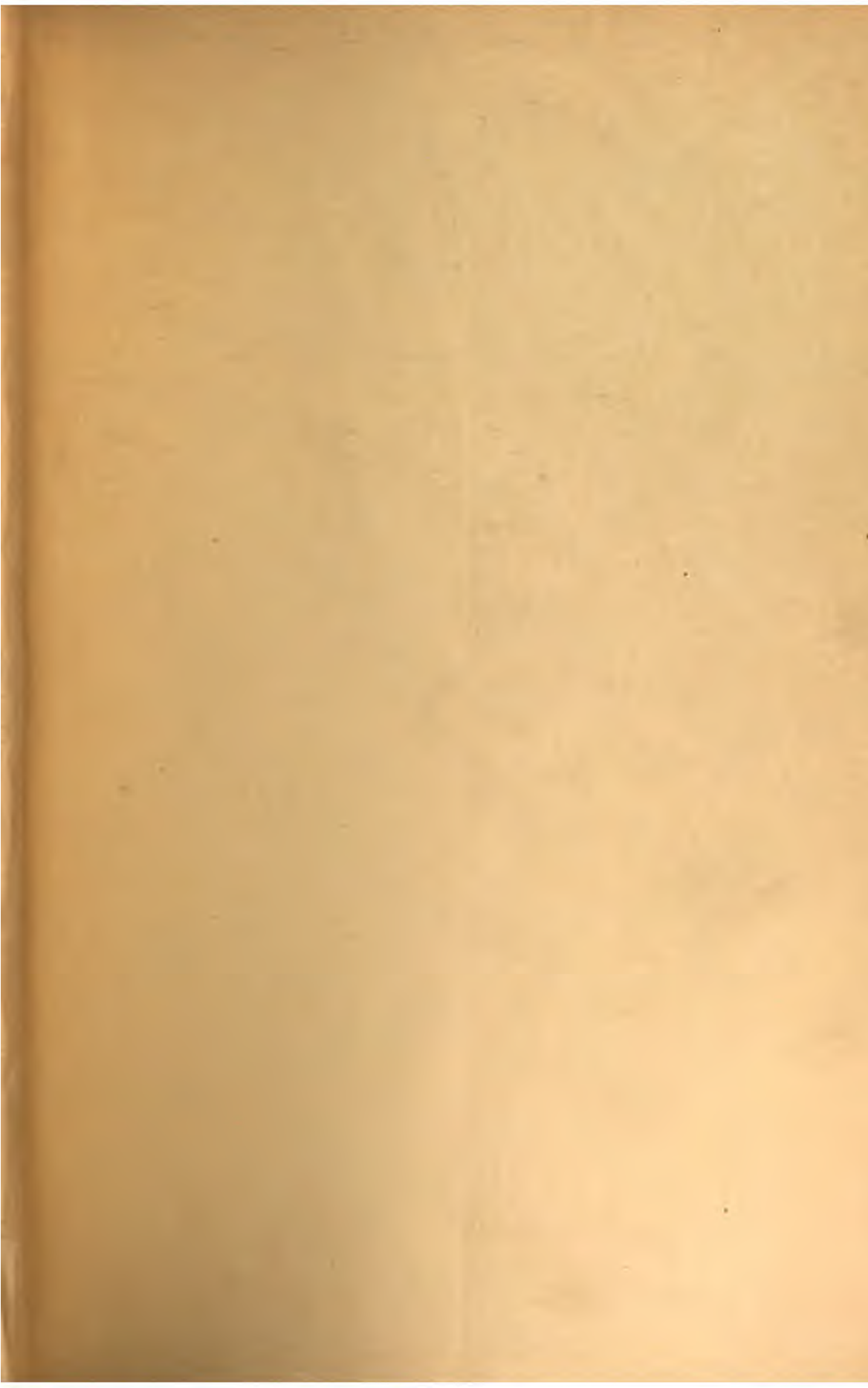
Doc R 266.2

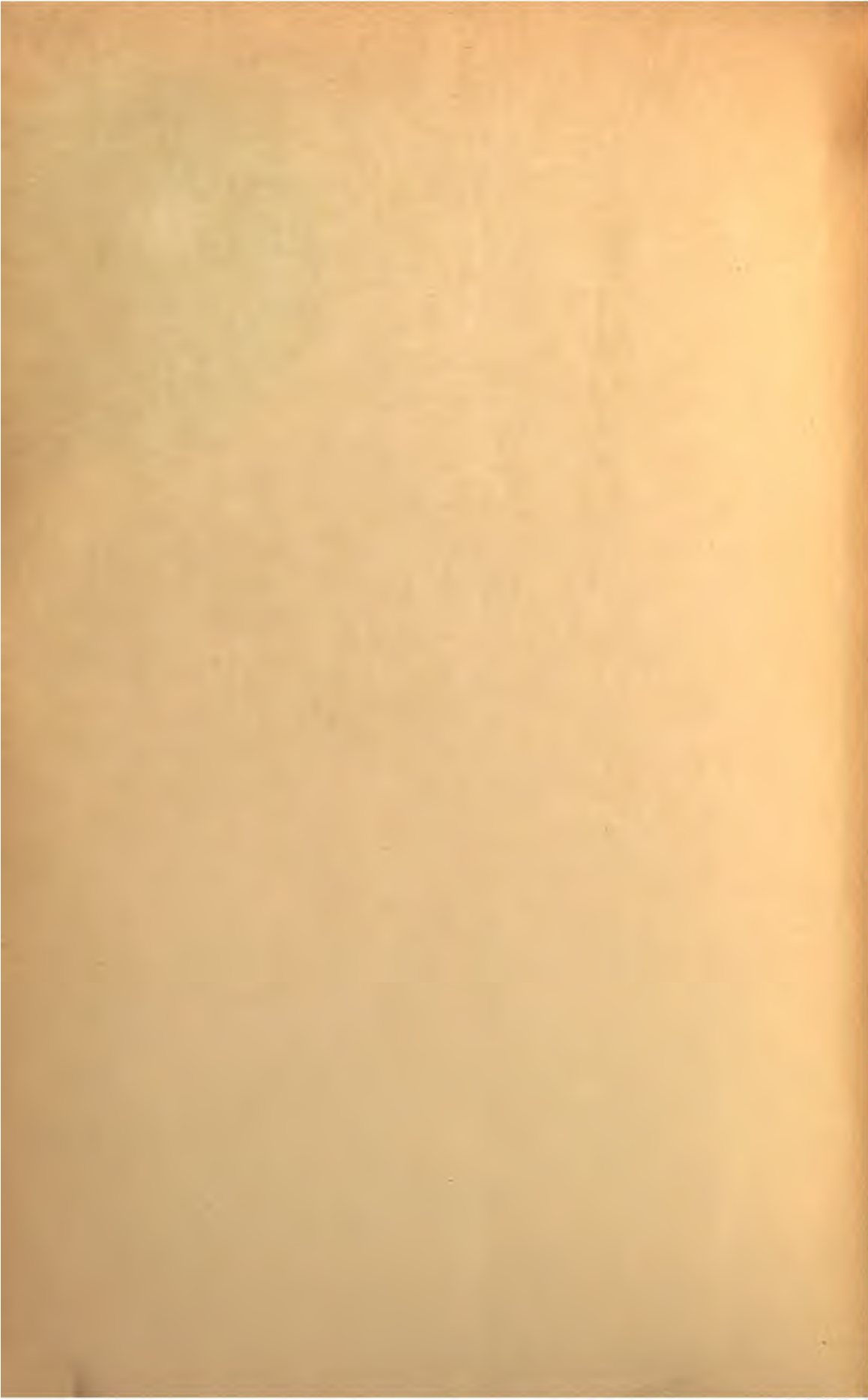


Harvard College Library

FROM

Prof. A. P. Peabody





ABRIDGMENT
OF THE
DEBATES OF CONGRESS,

FROM 1789 TO 1856.

**FROM GALES AND SEATON'S ANNALS OF CONGRESS; FROM THEIR
REGISTER OF DEBATES; AND FROM THE OFFICIAL
REPORTED DEBATES. BY JOHN C. RIVES.**

BY
THE AUTHOR OF THE THIRTY YEARS' VIEW.

VOL. VII.

NEW YORK:
D. APPLETON & COMPANY, 346 & 348 BROADWAY.
1858.

Doc R 266.2

MAY 4 1881

Life of
Prof. A. A. Phelps, D.D.
of Cambridge.
(16. 2. 1826.)

ENTERED according to Act of Congress, in the year 1856, by
D. APPLETON AND COMPANY,
in the Clerk's Office of the District Court for the Southern District of New York.

37-130 111
37-7

SIXTEENTH CONGRESS.—SECOND SESSION.

PROCEEDINGS AND DEBATES

13

THE HOUSE OF REPRESENTATIVES.

MONDAY, November 13, 1820.

This being the day fixed by law for the meeting of Congress, Thomas Dougherty, the Clerk, and the following members of the House of Representatives, appeared, and took their seats, viz:

From New Hampshire—Joseph Buffum, jr., Josiah Butler, Clifton Clagett, William Plumer, jr., and Nathaniel Upham.

From Massachusetts—Benjamin Adams, Samuel C. Allen, Joshua Cushman, Timothy Fuller, Mark L. Hill, Jonas Kendall, Enoch Lincoln, Marcus Morton, Jeremiah Nelson, James Parker, and Henry Shaw.

From Rhode Island—Samuel Eddy, and Nathaniel Hazard.

From Connecticut—Henry W. Edwards, Samuel A. Foot, Jonathan O. Mosely, Elisha Phelps, John Rags, James Stevens, and Gideon Tomlinson.

From Vermont—Samuel C. Crafts, Rollin C. Mallary, Ezra Meech, Mark Richards, and William Strong.

From New York—Nathaniel Allen, Caleb Baker, Walter Case, Robert Clark, Jacob H. De Witt, John D. Dickinson, John Fay, William D. Ford, Ezra C. Gross, Aaron Hackley, jun., George Hall, Henry Meigs, Robert Monell, Nathaniel Pitcher, Jonathan Richmond, Henry R. Storrs, Randall S. Street, James Strong, John W. Taylor, Caleb Tompkins, Albert H. Tracy, Solomon Van Rensselaer, Peter H. Wendover, and Silas Wood.

From New Jersey—Ephraim Bateman, Joseph Bloomfield, Charles Kinsey, John Linn, and Bernard Smith.

From Pennsylvania—Henry Baldwin, William Darlington, Samuel Edwards, Thomas Forrest, Samuel Gross, Joseph Hemphill, Jacob Hibshman, Jacob Hostetter, William P. Maclay, David Marchand, Robert Moore, Samuel Moore, John Murray, Thomas Patterson, Robert Philson, Thomas J. Rogers, John Sergeant, and James M. Wallace.

From Delaware—Louis McLane.

From Maryland—Stevenson Archer, Joseph Kent, Peter Little, Samuel Ringgold, Samuel Smith, and Henry R. Warfield.

From Virginia—Mark Alexander, William S. Archer, William A. Burwell, Robert S. Garnett, James

Jones, Charles F. Mercer, Hugh Nelson, Thomas Newton, John Randolph, Ballard Smith, Alexander Smyth, Thomas V. Swearingen, George Tucker, and Jared Williams.

From North Carolina—John Culpeper, Weldon N. Edwards, Thomas H. Hall, Charles Hooks, Lemuel Sawyer, Jesse Slocum, James S. Smith, Felix Walker, and Lewis Williams.

From South Carolina—Joseph Brevard, William Lowndes, John McCreary, James Overstreet, and Starling Tucker.

From Georgia—Joel Abbot, and Thomas W. Cobb.

From Kentucky—Richard C. Anderson, jun., William Brown, Alney McLean, Thomas Metcalfe, George Robertson, and David Trimble.

From Tennessee—Newton Cannon, Francis Jones, and John Rhea.

From Ohio—Philemon Beecher, Henry Brush, John W. Campbell, and John Sloan.

From Louisiana—Thomas Butler.

From Indiana—William Hendricks.

From Illinois—Daniel P. Cook.

From Alabama—John Crowell.

The following new members also appeared, to wit:

From Massachusetts, WILLIAM EUSTIS, in the room of Edward Dowse, resigned:

From Pennsylvania, THOMAS G. McCULLOUGH, in the room of David Fullerton, resigned:

From Virginia, JOHN C. GRAY, in the room of James Johnson, resigned; EDWARD B. JACKSON, in the room of James Pindall, resigned; and THOMAS L. MOORE, in the room of George F. Strother, resigned:

From Kentucky, THOMAS MONTGOMERY, in the room of Tunstall Quarles, resigned; and FRANCIS JOHNSON, in the room of David Walker, deceased:

Who severally produced their credentials, and took their seats.

JOHN SCOTT, the Delegate from the Territory of Missouri, and JAMES WOODSON BATES, the Delegate from the Territory of Arkansas, also appeared, and took their seats.

The Clerk having announced that a quorum of the House was present, said that he had received a letter from the Hon. HENRY CLAY, late

Speaker of this House, which, with the leave of the House, he read as follows:

LEXINGTON, Ky., October 28, 1820.

SIR: I will thank you to communicate to the House of Representatives, that, owing to imperious circumstances, I shall not be able to attend upon it until after the Christmas holidays, and to respectfully ask it to allow me to resign the office of its Speaker, which I have the honor to hold, and to consider this as the act of my resignation. I beg the House also to permit me to reiterate the expression of my sincere acknowledgments and unaffected gratitude for the distinguished consideration which it has uniformly manifested for me.

I have the honor to be, with great esteem, your faithful and obedient servant,

H. CLAY.

THOMAS DOUGHERTY, Esq.

Clerk of the House of Representatives.

On motion of Mr. NEWTON, the letter was ordered to lie on the table, and to be inserted in the Journal of the House.

On motion of Mr. N., the House then proceeded to the election of a Speaker.

The Clerk declared that, as this was an election to be made from amongst members of the House, no previous nomination was necessary. No nomination, therefore, was made.

Messrs. NEWTON and MOSLEY being appointed a committee to count the ballots, reported that the votes were—For John W. Taylor 40; for William Lowndes 34; for Samuel Smith 27; for John Sergeant 18; for Hugh Nelson 10; scattering 8.

Sixty-seven votes being necessary to a choice, and no member having the requisite majority, a second ballot took place; when the votes were thus reported: For Mr. Taylor 49; for Mr. Lowndes 44; for Mr. Smith 25; for Mr. Sergeant 18; scattering 1.

No choice being yet made, the House proceeded to a further ballot, when the votes given in were as follows: For Mr. Lowndes 56; for Mr. Taylor 50; for Mr. Smith 16; for Mr. Sergeant 11; scattering 1.

No choice having been yet made, the House proceeded to ballot a fourth time, when the following result was reported: For Mr. Lowndes 61; for Mr. Taylor 60; for Mr. Smith 11; scattering 3.

No one having yet a majority of all the votes, a fifth ballot took place, which resulted as follows: For Mr. Taylor 65; for Mr. Lowndes 63; for Mr. Smith 8; scattering 2.

A motion was then made that the House do now adjourn; and the question thereon being put by the Clerk, it was decided in the negative.

The House then proceeded to ballot a sixth time; and the votes, being counted, stood thus: For Mr. Taylor 67; for Mr. Lowndes 61; for Mr. Smith 7; scattering 1.

No election having yet taken place, another motion was then made to adjourn, and the vote thereon was—for adjourning 65, against it 68.

So the House refused to adjourn, and another ballot was held, which resulted as follows:

For Mr. Taylor 62; for Mr. Lowndes 57; for Mr. Smith 15; scattering 1.

No choice having yet been made, a motion was made to adjourn, and decided in the affirmative—ayes 71. And the Clerk adjourned the House to 12 o'clock to-morrow.

TUESDAY, November 14.

Several other members appeared and took their seats, to wit:

From New Hampshire, ARTHUR LIVERMORE; from Massachusetts, MARTIN KINSLEY; from New Jersey, HENRY SOUTHARD; from Pennsylvania, CHRISTIAN TARR; from Maryland, RAPHAEL NEALE; from Virginia, WILLIAM LEE BALL, PHILIP P. BARBOUR, and WILLIAM MCCOY; from South Carolina, ELIAS EARLE; from Tennessee, JOHN COCKE; and from Ohio, THOMAS R. ROSS.

The House then proceeded forthwith to ballot again for a Speaker of the House, in the place of Mr. CLAY, resigned. The votes having been counted, Mr. NEWTON reported, that the whole number of votes was 149; of which 75 were necessary to a choice; that the votes were: For Mr. Taylor 64; for Mr. Lowndes 54; for Mr. Smith 33; scattering 1.

No one having a majority of all the votes, the House proceeded to ballot the ninth time; when it appeared that the votes were: For Mr. Taylor 66; for Mr. Lowndes 47; for Mr. Smith 33; scattering 1.

No election having yet taken place, the House proceeded to ballot for the tenth time; and the result was declared as follows: For Mr. Taylor 64; for Mr. Smith 50; for Mr. Lowndes 25; scattering 1.

No election having yet taken place, the House proceeded to ballot for the eleventh time; when the following result was pronounced: For Mr. Taylor 61; for Mr. Smith 50; for Mr. Lowndes 31; for Mr. Sergeant 5; scattering 1.

No election having yet taken place, the House proceeded to ballot for the twelfth time; and the result was as follows: For Mr. Smith 53; for Mr. Taylor 47; for Mr. Lowndes 23; for Mr. Sergeant 19; for Mr. Tomlinson 8; scattering 3.

The thirteenth ballot resulted as follows: For Mr. Smith 48; for Mr. Taylor 32; for Mr. Sergeant 32; for Mr. Lowndes 30; scattering 3.

The fourteenth ballot resulted as follows: For Mr. Smith 42; for Mr. Lowndes 37; for Mr. Sergeant 35; for Mr. Taylor 27; scattering 3.

The fifteenth ballot resulted as follows: For Mr. Lowndes 55; for Mr. Sergeant 32; for Mr. Smith 27; for Mr. Taylor 26; scattering 6.

No one yet having a majority of the votes, a further ballot was declared necessary; when (it being half-past 3 o'clock),

A motion was made to adjourn, and negatived.

The sixteenth ballot then took place, and was as follows: For Mr. Lowndes 68; for Mr. Taylor 80; for Mr. Sergeant 24; for Mr. Smith 23.

NOVEMBER, 1830.]

Proceedings.

[H. OF R.]

This ballot having been also ineffectual; another motion was made to adjourn, but without success.

The House then proceeded to the seventeenth ballot, which resulted as follows—73 necessary to a choice: For Mr. Lowndes 72; for Mr. Taylor 44; for Mr. Smith 17; for Mr. Sergeant 11.

No election being made, the House went into the eighteenth ballot, when the following result was announced—73 necessary to a choice: For Mr. Lowndes 66; for Mr. Taylor 55; for Mr. Smith 21; for Mr. Sergeant 2.

No one having yet a majority of the votes, the House proceeded to the nineteenth ballot, which resulted as follows—73 necessary to a choice: For Mr. Taylor 66; for Mr. Lowndes 65; for Mr. Smith 14.

This ballot being also ineffectual; a motion was made to adjourn, which motion prevailed, ayes 76—and, about five o'clock, the House adjourned.

WEDNESDAY, November 15.

Several other members appeared, and took their seats, to wit:

From Vermont, CHARLES RICH; from Pennsylvania, GEORGE DENNISON; from Maryland, THOMAS BAYLY; from North Carolina, CHARLES FISHER; and from South Carolina, ELDEED SIMKINS.

Election of Speaker.

The House, having been called to order at twelve o'clock, proceeded to ballot, the twentieth time, for a Speaker, in the place of Mr. Clay, resigned.

The votes having been counted, it appeared that the number of votes given in was 141—necessary to a choice 71. Of which there were: For Mr. Taylor 67; for Mr. Lowndes 65; for Mr. Smith 8; scattering 1.

No choice having been made, the House proceeded to ballot the twenty-first time; when the result was declared as follows: Whole number of votes 147—necessary to a choice 74. Of which there were: For Mr. Taylor 73; for Mr. Lowndes 49; for Mr. Smith 32.

No choice having yet been made, the House was about to ballot again; when

Mr. LITTLE rose, and, remarking on the extraordinary aspect of the present proceedings of the House; the necessity for choosing a Speaker; the uncertainty, under present appearances, when a choice would be made; and the weariness of the House at these repeated ballotings, &c.—moved, that the House do come to a resolution, that the lowest on each ballot should be dropped at the succeeding ballot, and that any votes given for such lowest person should not be taken into account.

The CLERK of the House, after reading the resolve, expressed doubts of the power of the House to pass such a resolution, consistently with the rules established for its government.

Mr. RANDOLPH made it a point of order whether the Clerk had any right to express to the House his opinion of their powers, or to decide for them what was, or was not, in order.

The CLERK declared, that, under the rules of the House, which prescribe the mode of election by ballot, he could not receive this motion.

Some brief debate took place on the point of order, Mr. RANDOLPH protesting against what he pronounced an assumption of power on the part of the Clerk, and asserting the right of any member to propound any question to the House through the Clerk, the Speaker's Chair being vacant, or from himself, if he thought proper.

Other gentlemen, Mr. STORES, Mr. LITTLE, Mr. SERGEANT, Mr. MERCER, and Mr. LIVERMORE, expressed their opinions, and the following rule of the House was read:

"In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and, when there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained."

Mr. LITTLE, asserting his right to make the motion, yet, not desiring to prolong discussion in regard to it, waived the moving of it himself.

The House then proceeded to ballot the twenty-second time. The whole number of votes was 148—75 necessary to a choice. The votes were—For Mr. Taylor 76; for Mr. Lowndes 44; for Mr. Smith 27; scattering 1.

So JOHN W. TAYLOR, Esq., a Representative from the State of New York, was elected Speaker; and, having been conducted to the Chair by Mr. NEWTON and Mr. MOSELY, addressed the House as follows:

Gentlemen: I approach the station to which your favor invites me, greatly distrustful my ability to fulfil your just expectations. Although the duties of the Chair have become less arduous by improvements in its practice during the administration of my distinguished predecessor, I should not venture to assume their responsibilities without a firm reliance on your indulgent support. In all deliberative assemblies, the preservation of order must depend in a greater degree upon the members at large than upon any efforts of a presiding officer. The forbearance and decorum which characterized this House in its former session, at a period of peculiar excitement, afford of their continued exercise a happy anticipation. For the confidence with which you have honored me, be pleased to accept my profound acknowledgments. In my best endeavors to merit your approbation, which shall not be intermitted, I can promise nothing more than diligence, and a constant aim at impartiality. I can hope for nothing greater than that these endeavors may not prove altogether unavailing.

The new members having been sworn in—

A message was received from the Senate, informing the House that a quorum thereof was formed, and that they were ready to proceed to business.

On motion of Mr. NELSON, of Virginia, a similar message was returned to the Senate.

On motion of Mr. NELSON, also, a committee

was appointed, jointly with such committee as should be appointed by the Senate, to wait upon the President of the United States, and inform him of the organization of the two Houses, and of their readiness to receive any communication he may have to make to them.

THURSDAY, November 16.

Several other members appeared and took their seats, to wit:

From Massachusetts, WALTER FOLGER, Jr.; from North Carolina, HUTCHINS G. BURTON; and from Georgia, JOEL CRAWFORD and ROBERT RAYMOND REID.

Constitution of Missouri.

Mr. SCOTT laid before the House a manuscript attested copy of the constitution formed on the 19th day of July, 1820, by the convention assembled at St. Louis, in the Territory of Missouri, for the government of the contemplated State of that name; which was referred to a select committee, and Mr. LOWNDES, Mr. SERGEANT, and Mr. SMITH, of Maryland, were appointed the said committee.

MONDAY, November 20.

Several other members appeared and took their seats, to wit:

From Virginia, JOHN FLOYD and SEVERN E. PARKER; and from Tennessee, HENRY H. BRYAN and ROBERT ALLEN.

SOLOMON SIBLEY appeared, produced his credentials, was qualified, and took his seat as a delegate from the Territory of Michigan, in the room of William W. Woodbridge, resigned.

WEDNESDAY, November 22.

Another member, to wit, from South Carolina, CHARLES PINCKNEY, appeared, and took his seat.

Reduction of Expenditures.

Mr. COBB, of Georgia, presented to the Chair the following series of propositions:

1. *Resolved*, That it is expedient that the annual expenses of the Government should be reduced; that, for the accomplishment of this object, it is further

2. *Resolved*, That such offices as are not immediately necessary for the transaction of public business, and the abolition of which would not be detrimental to the public interest, shall be abolished.

3. *Resolved*, That the salaries of all civil officers whose compensation has been increased since the year 1809 shall be reduced to what they were at that period.

4. *Resolved*, That it is expedient to reduce the Army to the number of six thousand non-commissioned officers, musicians, and privates, preserving such part of the corps of engineers, without regard to that number, as may be required by the public interest; and including such reduction of the general staff as may be required by the state of the Army when reduced as herein proposed.

5. *Resolved*, That it is expedient that the appro-

priations for the erection of fortifications shall be so made as to require a less sum annually, by extending the time within which they shall be completed.

6. *Resolved*, That the act making an appropriation of one million of dollars per annum for the increase of the Navy, be so amended as to extend the time within which such increase shall be made, and to reduce the annual appropriation to the sum of five hundred thousand dollars.

7. *Resolved*, That it is expedient to recall from active service one-half the naval force now employed, and to place the same in ordinary.

8th Resolution refers the subjects of the preceding resolves to the proper standing and select committees, to bring in bills pursuant thereto.

The House having agreed to consider these resolutions—

Mr. COBB said, he had no intention to bring on the discussion of them at this time, having presented them by way of notice to members, that they might be prepared to discuss and decide on them when called up. He was not even himself prepared at this moment to give his views of the subjects embraced in these resolutions; nor did he know that the House ought to proceed to act on them, until it should have received, first, the annual report of the Treasury, and, secondly, a report from the Secretary of War, required by a resolution of the House at the last session, of a plan whereupon a reduction of the Army might be advantageously made. To place these resolves in a situation which would enable him to call them up at any time, he moved their reference to the Committee of the Whole on the state of the Union. Which motion was agreed to.

THURSDAY, November 23.

Missouri State Constitution—Citizenship of Free Colored Persons.

Mr. LOWNDES, from the select committee to whom was referred the constitution formed for their government by the people of Missouri, delivered in the following report:

The committee to whom has been referred the constitution of the State of Missouri respectfully report:

That they have not supposed themselves bound to inquire whether the provisions of the constitution referred to them be wise or liberal. The grave and difficult question as to the restraints which should be imposed upon the power of Missouri to form a constitution for itself was decided by the act of the last session, and the committee have had only to examine whether the provisions of the act have been complied with. In the opinion of the committee, they have been. The propositions, too, which were offered in the same act to the free acceptance or rejection of the people of Missouri, have all been accepted by them. But there remains a question too important to be overlooked.

We know that cases must often arise in which there may be a doubt whether the laws or constitution of a State do not transcend the line (sometimes the obscure line) which separates the powers of the different governments of our complex system. It appears to the committee, that, in general, it must be unwise in Congress to anticipate judicial decisions by the ex-

NOVEMBER, 1820.]

Proceedings.

[H. OF R.]

position of an equivocal phrase, and that it would be yet more objectionable, by deciding on the powers of a State just emerged from territorial dependence, that it should give the weight of its authority to an opinion which might condemn the laws and constitutions of old, as well as sovereign States. The committee are not unaware that a part of the twenty-sixth section of the third article of the constitution of Missouri, by which the Legislature of the State has been directed to pass laws "to prevent free negroes and mulattoes from coming to, and settling in, the State," has been construed to apply to such of that class as are citizens of the United States, and that their exclusion has been deemed repugnant to the Federal Constitution. The words which are objected to are to be found in the laws of at least one of the Middle States, (Delaware,) and a careful examination of the clause might perhaps countenance the opinion that it applies to the large class of free negroes and mulattoes who cannot be considered as the citizens of any State. But, of all the articles in our constitution, there is probably not one more difficult to construe well, than that which gives to the citizens of each State the privileges and immunities of citizens of the several States; there is not one, an attention to whose spirit is more necessary to the convenient and beneficial connection of the States; nor one of which too large a construction would more completely break down their defensive power, and lead more directly to their consolidation. This much, indeed, seems to be settled by the established constitutions of States in every section of the Union; that a State has a right to discriminate between the white and the black man, both in respect to political and civil privileges, though both be citizens of another State; to give to the one, for instance, the right of voting and of serving on juries, which it refuses to the other. How far this discrimination may be carried, is obviously a matter of nice and difficult inquiry. The committee do not propose to engage in it. They believe it best, whenever a case occurs which must necessarily involve the decision of it, that it should be remitted to judicial cognizance.

In this view (which narrows their inquiries and duties) the committee are confirmed, by a consideration of the embarrassments and disasters which a different course of proceeding might sometimes produce. When a people are authorized to form a State, and do so, the trammels of their territorial condition fall off. They have performed the act which makes them sovereign and independent. If they pass an unconstitutional law, and we leave it, as we should that of another State, to the decision of a judicial tribunal, the illegal act is divested of its force by the operation of a system with which we are familiar. The control of the General Government is exercised in each particular case, in support of individual right, and the State retains the condition which it has just acquired, and would not easily renounce. But a decision by Congress against the constitutionality of a law passed by a State which it had authorized the establishment, could not operate directly by vacating the law; nor is it believed that it could reduce the State to the dependence of a Territory. In these circumstances, to refuse admission into the Union to such a State, is to refuse to extend over it that judicial authority which might vacate the obnoxious law, and to expose all the interests of the Government within the territory of that State, to a Legislature and a Judiciary, the only checks on which have been

abandoned. On the other hand, if Congress shall determine neither to expound clauses which are obscure, nor to decide constitutional questions which must be difficult and perplexing, equally interesting to old States, whom our construction could not, as to the new, whom it ought not to coerce, the rights and duties of Missouri will be left to the determination of the same temperate and impartial tribunal which has decided the conflicting claims, and received the confidence, of the other States.

The committee recommend the adoption of the following resolution:

This report having been read by the Clerk, the resolution therein referred to was read, as follows:

Whereas, in pursuance of an act of Congress passed on the sixth day of March, one thousand eight hundred and twenty, entitled "An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories," the people of said Territory did, on the nineteenth day of July, in the year one thousand eight hundred and twenty, by a convention called for the purpose, form for themselves a constitution and State government, which constitution and State government, so formed, is republican, and in conformity to the provisions of the said act:

Be it therefore resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Missouri shall be, and is hereby declared to be, one of the United States of America, and is admitted into the Union on an equal footing with the original States, in all respects whatever.

The resolution was then read a second time.

Mr. LOWMEYER moved to refer the resolution to a Committee of the Whole on the state of the Union, which would put it in the power of the House to act upon it at any time it thought proper. He need not say, that there was no disposition to act upon this subject without full notice to all parties concerned; and if no other person did, he should himself, when proposing to call for the consideration of the report, give a day or two notice of his intention to do so. Whilst up, he took occasion to say, that this report, as indeed all reports of committees, must be considered as the act of a majority of the committee, and not as expressing the sentiments of every individual of the committee.

The reference was agreed to.

FRIDAY, November 24.

Two members appeared and took their seats, viz: from Maryland, THOMAS CULBRETH, and from Virginia, JOHN TYLER.

MONDAY, November 27.

Another member, to wit, from Mississippi, CHRISTOPHER RANKIN, appeared, and took his seat.

A new member, to wit, from Massachusetts, BENJAMIN GORHAM, elected to supply the va-

cancy occasioned by the resignation of Jonathan Mason, also appeared, was qualified, and took his seat.

TUESDAY, November 28.

Another member, to wit, from New York, JAMES GUYON, junior, appeared, and took his seat.

FRIDAY, December 1.

Another member, to wit, from North Carolina, WILLIAM DAVIDSON, appeared, and took his seat.

Vaccine Institution.

The engrossed bill to incorporate the Managers of the National Vaccine Institution, was read the third time; and, on the question of its passage—

Mr. LIVERMORE, of New Hampshire, moved to recommit the bill, so as to allow of its being amended in one particular, and thus obviating the only objection which he had to its passage. His object was to incorporate in the bill the words "within the District of Columbia." There was not a general agreement of opinion as to the power of Congress to establish corporations to pervade the United States; but there was no doubt of its power within the District, to which therefore he wished expressly to limit the corporate authority proposed to be conferred by this bill.

Mr. FLOYD, of Virginia, said, he saw no unconstitutional feature in the bill, which he hoped, therefore, would be permitted to pass as it stood. The object of the bill was to aid in the eradication of the small-pox from our country—an object which all must admit to be not only innocent but laudable. The gentleman who had been most earnest in asking from Congress the passage of this bill, had devoted himself to this object with a perseverance seldom exceeded, and with desirable success. To enable those who took an interest in this matter, to avail themselves of the donations of charitable persons in all parts of the United States, it was necessary that a company should be incorporated, with power to erect the necessary buildings.

Mr. KENT, of Maryland, said, the gentleman from New Hampshire appeared to be under some misapprehension in relation to the bill first read. By its provisions, said Mr. K., the National Vaccine Institution is to be established here, and this provision renders unnecessary the gentleman's proposition. It will be recollected by the House that, some years past, the appointment of an agent for vaccination was authorized by law, with the privilege of franking his letters; and, although this measure gave some facility in the transmission of vaccine matter to the different parts of the country, yet it was found too limited in its effects for the accomplishment of an object fraught with such incalculable benefits to the community. Hence, the citizens of several of the adjacent States

were induced to accept of a proposition made by Dr. Smith, to establish an institution here in the capital of the country, from whence should issue gratuitously the vaccine matter to such States, counties, or towns, as should subscribe a certain amount for the establishment and encouragement of this institution; by which means every class in society, the poor as well as the rich, would receive the matter free of expense. In six of the adjacent States \$26,000 were subscribed on the 1st day of January last, and no doubt a considerable addition has been made during the present year to that sum. These subscriptions have been made to Dr. Smith, who is the agent for vaccination; and, in the event of his death, without the passage of some such bill as the one before you, would be lost to those who made them with such benevolent views. The bill does not propose to take from the Treasury one dollar, its only object is to withdraw from the hands of Dr. Smith the whole amount of those subscriptions, and place them under the control and direction of six discreet, judicious managers, who are named in the bill, and whose successors are to be appointed by the President of the United States. It has been under the hope of the securing the full benefit of such liberal subscriptions, that I have been induced to advocate the bill, and now ask for the concurrence of the House in its passage.

Mr. BURWELL, of Virginia, was opposed to the recommitment, on different ground from that taken by other gentlemen. He adverted to a construction which had been recently put upon the powers of Congress within the States, (in the case of the lotteries authorized by Congress,) and said that he believed that construction was too absurd to be entertained by many men of sense in this country, and he regarded it as very unfortunate that such a construction had been sanctioned by the names of any men of sense and character. Believing that Congress had not the power to make this law operative within the States, and that inserting the words proposed might, by implication, give countenance to what he considered the most dangerous and absurd construction ever given to the constitution, he was opposed to limiting, by words in the bill, what he considered as already limited by the constitution.

Mr. LIVERMORE said he was as friendly to the object of this bill as any gentleman within these walls, and he had no desire to impede its passage. But, he said, Congress have a power within the District which they have not beyond it. They have here the power of exclusive legislation; beyond it, they have not that power. Within this District, he did not know that their power was any thing less than absolute. He did not know of any restraints upon it but reason and a sound discretion. It was a question whether Congress had the power to extend a corporate authority into the States; and he did not see that the remarks of gentlemen in favor of the bill had obviated the diffi-

DECEMBER, 1820.]

State of the Finances.

[H. OF R.]

culty. A corporation inhabits a house not made by man; it inhabits all space—it is everywhere and nowhere. It has no body, as it is sometimes said to have no soul. For his part he wished this charter to be restricted to the District of Columbia, where almost every anomalous thing was to be found.

Mr. MERGER, of Virginia, opposed the recommitment of the bill, on the ground that such a course would have the effect to give it a quietus for the remainder of the session, especially after the notice this morning given by Mr. LOWNDES. Mr. M. said he concurred with his colleague in his view of the recent opinion of some gentlemen learned in the law, on the subject of the powers of Congress. He did not see, however, how, by possibility, the passage of this bill could countenance that opinion. Mr. M. referred to the nature of the bill, and its unobjectionable character, as arguments in favor of its passing the House, and without recommitment.

Mr. Cook suggested a modification of the question, so as to propose a recommitment of the bill to the Committee on the District of Columbia, with instructions to report the specific amendment suggested by Mr. LIVERMORE.

Mr. LIVERMORE having assented to putting the question in this shape—

It was so put and negatived.

And the bill was passed, and sent to the Senate for concurrence.

MONDAY, December 4.

Another member, to wit, from Massachusetts, NATHANIEL SILSBEE, appeared, and took his seat.

Case of Matthew Lyon.

Mr. MCLEAN, of Kentucky, from the committee appointed on the memorial of Matthew Lyon, made a report thereon, accompanied with a bill for his relief; which, by leave of the House, was presented, read the first and second time, and committed to a Committee of the Whole to-morrow. The report is as follows:

The petitioner states that, in violation of that provision of the Constitution of the United States of America which says, "Congress shall make no law abridging the freedom of speech or of the press," Congress, in July, 1798, passed the act commonly called the sedition law; that, some time previous to the passage of this bill, there appeared in the Philadelphia Federal papers a violent attack upon his character, extracted from the Vermont Journal, charging him with many political enormities, particularly with the high crime of opposing the Executive; that he wrote a reply to this charge in Philadelphia, on the 20th of June, 1798, and on the same day put the letter, directed to the editor of the said Vermont Journal, into the post office at Philadelphia, twenty-four days before the passage of the sedition law. For the publication of this letter he was indicted in October following, in the circuit court of the United States in the Vermont district. In the same indictment, he

was charged with publishing a copy of a letter from an American diplomatic character in France to a member of Congress in Philadelphia; also, for aiding, assisting, and abetting in the publication of said letter.

He states said letter was written by Joel Barlow to Abraham Baldwin, then a member of Congress. He denies that he printed said letter, or aided or abetted in the printing of it; but, on the contrary, that he used his endeavors to suppress it, by destroying the copies which came into his possession. He states that, owing to the political party zeal which prevailed in the United States at that time, much unfairness was used in the trial, both by the marshal in summoning the jury, and the judge who presided, in his instructions to them, and thereby a verdict of guilty was returned against him by the jury; and upon that verdict the court sentenced him to pay a fine of \$1,000, the costs of suit, be imprisoned four calendar months, and until the fine and costs were paid. He states that, by virtue of said judgment, he was arrested and confined in a dungeon, the common receptacle of thieves and murderers, fifty miles distant from the place of his trial, although there was a decent, roomy jail in the county in which he lived, and in the town where the trial was had, which jail the Federal Government had the use of; that much severity was exercised towards him during his imprisonment; that he languished in the loathsome prison more than six weeks in the months of October, November, and December, in the cold climate of Vermont, without fire, before he was allowed, at his own expense, to introduce a small stove, or to put glass into the aperture which let in a small glimmer of light through the iron grate.

He states that he is poor, and asks Congress to refund to him \$1,000, the fine which he has paid, the costs of suit, for one hundred and twenty-three days' pay as a member of Congress, while he was unconstitutionally detained from a seat in that body, reasonable damages for being suddenly deprived of his liberty, put to great expense, and disabled from paying that attention to his concerns which, in other circumstances, he would have been allowed to do, and such interest on those sums as public creditors are entitled to.

Your committee state that the prosecution against the said petitioner, the judgment, imprisonment, and payment of \$1,000, the fine, and \$60 96, the costs of suit, are proved by a copy of the record of proceedings in said cause, which is made a part of this report. The committee are of opinion that the law of Congress under which the said Matthew Lyon was prosecuted and punished was unconstitutional, and therefore he ought to have the money which has been paid by him refunded; but should they be mistaken as to the unconstitutionality of this law, yet they think there are peculiar circumstances of hardship attending this case which call for relief. Your committee, therefore, ask leave to report a bill.

State of the Finances.

The SPEAKER then laid before the House a letter from the Secretary of the Treasury, transmitting his annual report on the state of the Treasury; and, on motion of Mr. STORRS, three thousand copies thereof were ordered to be printed for the use of the House. The report is as follows:—

TREASURY DEPARTMENT, December 1, 1820.

In obedience to the direction of the "Act supplementary to the act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report :

I. *Of the Public Revenue.*

The net revenue arising from imports and tonnage, internal duties, direct tax, public lands, postage, and other incidental receipts, during the year 1817, amounted to \$24,365,227 84, viz :

Customs, (see statement A.)	\$17,254,775 15
Internal duties	2,676,882 77
Direct tax	1,833,737 04
Public lands, exclusive of Mississippi stock	2,015,977 00
Postage and other incidental receipts	318,855 38

That which accrued from the same sources during the year 1818, amounted to \$26,095,200 65, viz :

Customs, (see statement A.)	\$21,828,451 48
Arrears of internal duties	947,946 83
Arrears of direct tax	263,926 01
Public lands, exclusive of Mississippi stock	2,464,527 90
Postage, dividends on bank stock, and other incidental receipts	590,348 98

And that which accrued from the same sources during the year 1819, amounted to \$21,435,700 69, viz :

Customs, (see statement A.)	\$17,116,702 96
Arrears of internal duties, (see statement B.)	227,444 01
Arrears of direct tax, (see statement B.)	80,850 61
Public lands, exclusive of Mississippi stock	3,274,422 78
Postage, and other incidental receipts	61,280 33
First instalment from the Bank of the United States, and dividend on the stock in that bank	\$675,000 00

It is ascertained that the gross amount of duties on merchandise and tonnage which accrued during the first three quarters of the present year, exceeds \$13,340,000. And the sales of public lands during the first two quarters of the year, exceed \$1,240,000.

The payments in the Treasury during the first three quarters of the present year, are estimated to amount to - - - \$16,819,637 49

Viz :

Customs	\$12,378,513 12
Public lands, (exclusive of Mississippi stock)	1,124,645 32
Arrears of internal duties	104,769 20
Arrears of direct tax	579,749 14
Incidental receipts	2,545,431 47
Moneys received from loans	86,529 24
Repayments	

And the payments into the Treasury during the fourth quarter of the present year, from the same sources, are estimated at - - - \$3,430,000 00

Making the total amount estimated to

be received into the Treasury during the year 1820 - - - 20,249,637 49

Which, added to the balance in the Treasury on the 1st day of January last, amounting to - - - 2,076,607 14

Makes the aggregate amount of \$22,326,244 63

The application of this sum for the year 1820, is estimated as follows :

To the 30th of September the payments have amounted to - - - \$16,909,413 80

Viz :

Civil, diplomatic, and miscellaneous expenses	2,078,573 25
Military service, including fortifications, ordnance, Indian department, revolutionary and military pensions, arming the militia, and arrears prior to the 1st of January, 1817	6,043,068 00
Naval service, including the permanent appropriation for the increase of the navy	2,946,762 00
Public debt, including \$1,142,879 55 for the redemption of Mississippi certificates	5,840,010 55

During the fourth quarter it is estimated that the payments will amount to - - - 8,056,000 00

Viz :

Civil, diplomatic, and miscellaneous expenses	\$450,000 00
Military service	1,900,000 00
Naval service,	806,000 00
Public debt to the 1st of January, 1821	4,900,000 00

Making the aggregate amount of 24,964,413 80

And leaving on the 1st of January, 1821, a balance against the Treasury estimated at \$2,638,169 17

II. *Of the Public Debt.*

The funded debt which was contracted before the year 1812, and which was unredeemed on the 1st of October, 1819, as appears by the statement No. 1, amounted to - - - \$23,668,254 71

And that contracted subsequent to the 1st day of January, 1812, and unredeemed on the 1st day of October, 1819, as appears by the same statement, amounted to 68,060,836 19

Making the aggregate amount of \$91,728,591 00

Which sum agrees with the amount as stated in the last annual report as unredeemed on the 1st day of October, 1819, excepting the sum of \$63 49, which was then

DECEMBER, 1820.]

West Point Academy.

[H. OF R.]

short estimated, and which has since been corrected by actual settlement.

In the fourth quarter of 1819, there was added to the above sum, for Treasury notes brought into the Treasury and cancelled, the following sums, viz:

In six per cent. stock \$4,152 18
In seven per cent. stock 10,525,00

14,677 18

Making - - - - \$91,743,268 18

III. Of the Estimates of the Public Revenue, and Expenditures for the year 1821.

In forming an estimate of the receipts into the Treasury for the year 1821, the amount of revenue bonds outstanding on the 30th day of September last, the sum due for public land, the ability and disposition of the community to purchase, and especially the quantity and quality of the land intended to be exposed at public auction in the course of the year, present the data upon which the calculations must be made. As a portion of the duties which accrue in the fourth quarter of the present year, and in the first and second quarters of the next, form a part of the receipts into the Treasury for the latter year, the amount received will exceed or fall short of the estimate, by the difference between the duties which actually accrue in those quarters, and are payable within the year, and the amount at which they had been estimated.

The revenue bonds outstanding on the 30th of September last, are estimated at \$18,770,000. Of this sum \$3,130,000 are in suit, of which about \$1,250,000 will not be collected on account of the insolvency of the debtors; leaving the amount of bonds outstanding, upon which collections are to be made, estimated at \$17,520,000. The amount of duties secured during the first, second, and third quarters of the year 1820, is estimated at \$13,350,000; and that of the whole year may be estimated at \$16,500,000. The amount of debentures outstanding on the 30th of September last, and payable during the year 1821, is estimated at \$1,162,114 16, which is subject to be increased by the amount issued in the present quarter, and during the whole of the ensuing year, chargeable upon the revenue of that year. The average annual amount of debentures, bounties, and allowances, and expenses of collection chargeable upon the revenue, has been ascertained to be nearly equal to fifteen per cent. of the average annual amount of the duties upon imports and tonnage, which accrued from the year 1815 to the year 1819, inclusive.

The receipts into the Treasury from the public land, during the first three quarters of the present year, are estimated at \$1,124,645 32, and those of the entire year will probably not much exceed \$1,600,000.

According to the foregoing data, the receipts into the Treasury for the ensuing year, may be estimated as follows, viz:

Customs - - - -	\$14,000,000
Public lands, exclusive of Mississippi stock - - - -	1,600,000
Arrears of internal duties, direct tax, and incidental receipts - - -	100,000

Third instalment from the Bank of the United States - - -	500,000
Bank dividends which will accrue during the year, estimated at five per cent. - - - -	350,000

Making the aggregate amount of \$16,550 000

The appropriations for the same period are estimated as follows, viz:

1. Civil, diplomatic, and miscellaneous, - - - -	\$1,769,850 04
2. Military Department, including fortifications, ordnance, Indian department, military pensions, and arrearages prior to the 1st of January, 1817 - - - -	4,585,352 61
3. Naval Department - - - -	2,420,594 56

Making an aggregate of - \$3,775,790 21

All which is respectfully submitted,
WILLIAM H. CRAWFORD,
Secretary of the Treasury.

TUESDAY, December 5.
West Point Academy.

Mr. CANNON moved the adoption of the following resolution:

Resolved, That the Secretary of War be directed to lay before this House, as soon as is practicable, a statement showing the aggregate amount that has been expended on the Military Academy at West Point, in the State of New York, from the establishment of the same to the present time, in the erection of buildings, barracks, repairs, and materials for the same; also, the aggregate amount that has been expended in pay, subsistence, and clothing, of the teachers, officers, and cadets, that are or have been in said academy, up to the present time; also, the aggregate amount that has been expended on the quartermaster's department attached to said institution, for wood and distributing the same, forage, transportation, stationery, including articles used in the drawing department, books, mathematical instruments, printing, and all other contingencies, up to the present time; also, the number of cadets that have been educated in said academy, since the first establishment, from the District of Columbia, also the number from each State and Territory in the Union, also the number of cadets now in said academy from the District of Columbia and from each of the States and Territories respectively; also, the number who have received an education at said academy who are in the Army and Navy of the United States, the appointment each holds, and the District, State, or Territory, they are from; and also the number of orphans, if any, of those who have fallen in the defence of their country, or died in its service, who have been educated in said academy, or are now cadets in the same, and the District, State, or Territory, each is from.

Mr. LITTLE wished to correct the resolution in one particular, in which he conceived there was a misapprehension. The mover was certainly mistaken in supposing that the teachers or cadets of the Military Academy were clothed by the Government; the cadets, Mr. L. stated,

received pay, out of which they clothed themselves, and as it was not the fact that either they or the teachers of the academy were clothed by the Government, he did not wish such an idea to go abroad. He hoped, therefore, the gentleman would modify his resolution by omitting the call relative to clothing.

Mr. CANNON referred to a report of the Secretary of War, made at the last session, on the subject of the academy, to show that the Government was charged with clothing for it. An item of the report referred to, stated a disbursement of five hundred and some odd dollars for clothing furnished the establishment at West Point. If, however, the Government provided no clothing for that institution, the Secretary would report the fact to the House, so that the feature in the resolution which was objected to he conceived had better be retained. Mr. C. added a few remarks as to his motives in moving this resolution. Economy in the public disbursements was imperiously called for by the state of our finances, and, among the other national establishments, he wished to see if any retrenchment could be made in the Academy at West Point.

Mr. LITTLE replied, that there was a part of the corps of engineers employed at West Point, who were regularly enlisted, as other soldiers, and were in the same manner clothed by the Government; it was the clothing for these soldiers, no doubt, which formed the item in the report referred to. The resolution called for the expenses of clothing the teachers and cadets, and, he repeated, as no such expense existed, he wished the form of the resolution to correspond with the fact, and therefore moved that the feature he objected to should be stricken out.

Mr. SMITH, of Maryland, said the resolution ought not to go forth in such a shape as to show ignorance of the facts on the part of the House, and, as there was certainly no such provision for the cadets as clothing, (for he presumed five hundred dollars would go very little way towards clothing two hundred and fifty cadets,) he hoped the motion of his colleague (Mr. LITTLE) would be agreed to, and the resolution be modified.

Mr. CANNON assented to the modification proposed by Mr. LITTLE; and thus amended, the resolution was agreed to.

WEDNESDAY, December 6.

Another member, to wit, from Delaware, WILLARD HALL, appeared and took his seat.

Missouri State Constitution—Citizenship of Free Colored People.

The House having, on motion of Mr. LOWNDES, resolved itself into a Committee of the Whole on the state of the Union,

The resolution declaring the admission of the State of Missouri into the Union on an equal footing with the original States, having been read—

Mr. LOWNDES rose and delivered a speech of nearly two hours in length, of which the following is a brief sketch:

The first observations of Mr. L. were lost to the reporter, from the confusion arising from members changing their seats, &c.* When Mr. L.'s observations became audible, he was speaking of the difficulty under which he should labor, in what he had to say, from being obliged to direct his observations to arguments not yet urged, and in regard to which he must depend upon what he had heard in other quarters, and upon conjecture.

In the outset, he said, he was met by an objection of a general nature, applicable to other cases as well as that now presented to the House. He could not doubt, he said, from what he had heard, that there were members of the House who considered themselves bound by the same principles which influenced them

* To get near him, Mr. Lowndes being one of those so rare in every assembly, around whom members clustered when he rose to speak, that not a word should be lost, where every word was to be luminous with intelligence, and captivating with candor. This clustering around him, always the case with Mr. Lowndes, when he rose to speak, was more than usually eager on this occasion, from the circumstances under which he spoke—the circumstances of the Union verging to dissolution; and his own condition, verging to the grave. By his exertions, and those of other patriots, the Union was saved. No skill or care could stay his own march to that "undiscovered country, from whose bourne no traveller returns." He died prematurely, at the early age of —, this speech on the admission of the State of Missouri, being the last of the principal speeches ever delivered by him.

This debate—this branch of the extended and various debate, which grew out of the attempt to restrict the State of Missouri on the subject of slavery—although taking place near forty years ago, will have a fresh interest on account of its applicability to questions which now occupy the public mind. The citizenship of free people of color—the *status* or political condition of a Territory erected into a State, and asking admission into the Union, without being able to obtain it—and the delicacy of throwing upon the judiciary the decision of questions which affect the public feeling—are all questions of present, still more than of past interest; and it cannot be otherwise than pleasant and instructive to the men of this day to see what was said by others on the same points so long before them. With this view—with a view to give this pleasure and instruction—this branch of the old Missouri question endless debate is given more fully than usual, the two leading and opening speeches, one on each side, (those of Mr. Lowndes and Mr. Sergeant,) are retained in all their reported extent; while, in abridging the rest, enough is retained from every speaker to show his position, and the strength of it, on the debated points. These speakers were all eminent men, of weight in their day, and who will not be without it as long as their works shall be known; and not the less weighty because, conforming to the lot of all men in council, opinions are various, and *Reason* is called in to decide between them. The speakers on this occasion, after Mr. Lowndes and Mr. Sergeant, were: Mr. Henry M. Storrs, of New York; Messrs. William S. Archer, Alexander Smyth, and Philip P. Barbour, of Virginia; Mr. Hemphill, of Pennsylvania; Mr. Louis McLane, of Delaware; Mr. Mallory, of Vermont; Dr. Eustis, of Massachusetts.

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

at the last session, to vote at this session against the resolution declaring the admission of Missouri into the Union. On this point, he addressed himself to the moderation and good sense of the House—of those gentlemen particularly who believed the constitution framed by Missouri to be inconsistent with the principles of our Government, to say, whether it was not inconsistent with the character of our Government, and of all Governments, that questions once decided by the legitimate authority of the country should be considered as yet open, or inconclusive? Did not such a course of reasoning lead to the conclusion that all the acts of the Government were binding only on the majority who voted for them? That all compacts are void, for example, as to the minority which refuses to sanction them? Suppose, in regard to a debt incurred in carrying on a war, a party subsequently in power were to say—we did not vote for the debt; *we* did not support the war; we are not bound to pay the debt. Would such an argument be entitled to respect? Take, for example, the debt incurred in the late war with Great Britain: was it not essential to the character of the nation that that debt should be considered obligatory as well upon those who approved, as on those who disapproved, the purpose for which the debt was contracted? And were all the members of this and the other House not *equally* bound by the act of the last session respecting Missouri? Whether we ought or ought not to have given to the people of Missouri the power to form a constitution and State government, we *have* given it. Whether or not we individually wished Missouri to form a constitution, the authority to do so was given by Congress. The constitution was formed, and Congress were now asked to declare that it was so. For himself, Mr. L. went on to say, he believed that the law of the last session gave Missouri a right to form a constitution; and that, having done so, she is now a State.

If you look at the course which Congress has pursued hitherto, it will be found that, on elevating territories from the grade and dependence of a territorial government, Congress has done no more than emancipate them from its control. On doing this, said Mr. L., you have reserved nothing like an authority to remand them to their colonial condition. You have determined, in such case, by the act of allowing the territory to form a constitution, that, for certain purposes, she is an independent State. In the act of the last session, it would be found, on referring to it, there was no difference between the mode of legislation in Missouri, and that which had occurred in regard to the oldest of the States admitted into the Union. Comparing that act with other acts for the admission of States, it would be found to confer the same powers and impose the same restrictions. It was impossible to distinguish, in any manner, between the power which had been given to Missouri and that which had, in like circumstances, been granted to the oldest of the new

States. Mr. L. went on to quote the cases of admission of States into the Union. He referred to that of Ohio. The act for her admission was couched in the broadest terms, requiring the convention, as usual, first to determine the question whether it was expedient to form a constitution. Although the mere act for the admission of a territory into the Union does not make her a State, inasmuch as her acceptance of the offer is required, yet, at the moment that she declares that it is expedient to form a constitution—at that precise moment she acquires all the rights of a State. The people of Missouri, as of every other admitted State, at that moment acquired rights which it is not competent for the legislature of this country—which it is not competent, upon the principles which we hold sacred, for any legislature under Heaven to divest them of.

Before he proceeded further to refer to the practice of former times, Mr. L. said he would notice an argument which he had heard suggested, which was in some degree a verbal one. It is said that the words of the law in regard to the admission of Missouri are prospective; that the constitution says that Congress may admit new States into the Union; that no authority but Congress can admit them; that Congress has not admitted Missouri into the Union; and that it is necessary she should now address Congress and obtain its consent to her coming into the Union. It is true, Mr. L. said, that the law provides that Missouri “shall” be admitted; that is, prospectively as to the date of the law. It is true, also, that new States can be admitted into the Union only by Congress. But that admission may be from the time the law passes, or on the performance of a condition, whatever that condition may be. There was nothing, Mr. L. argued, in the law of the last session, to show that the act of admission was not complete on the part of Congress when that law passed, although it did refer to a future time. That this was a just construction of the matter, he said, was obvious by a reference to former examples. In the case of Kentucky, for example, her admission into the Union was deferred, by the act of Congress authorizing it, he did not know how many months, but more than a year after the passage of the act. Nothing more was necessary, after the passage of the act for the admission of Missouri, than a lapse of time sufficient for the determination of the people to be ascertained, whether they chose to form a constitution or not.

But his strongest argument, Mr. L. said he was aware, must be derived from the course pursued by Congress in former times. He disclaimed any particular devotion to precedent; but, in a time when parties were as firmly marshalled as they were on this subject at the last session; when the true import of the constitution was contested by nearly equal parties on this floor; when geographical lines were observable in the division of opinion, it was wise, it was becoming, to look to what had been the

practice in former times, when no causes existed so likely to disturb and mislead the sober judgment. Every man ought to examine the record of those days, and rather lean to a decision consistent with them.

Referring, then, for illustration, to the case of Ohio, after she had formed a constitution and State government, although no resolution had passed declaring her admission into the Union, it became necessary to pass a law to extend over her territory the jurisdiction of the courts of the United States; and the preamble to that law recites that the people did, on a certain day, form a constitution and State government, and give a name, whereby the said State has become one of the United States—that is, by the act of forming a constitution. And such, Mr. L. said, was the principle on which the United States had always acted. But, he said, the preamble was interesting, not only because it confirmed his argument in the main, but also marked the time and circumstance which, in the opinion of Congress at that time, made a people a State, viz., the day on which a constitution is formed, and the act of forming it.

The proof afforded by other precedents, however, that a people became a State on forming a constitution under the authority of Congress, was still less equivocal than that which had been cited. In every instance, and, as far as he knew, without an attempt at resistance, whenever such a constitution has been formed by a Territory, they have not only been considered a State, but the elections which they have made under their constitution have been held to be good. If, by the act of forming a constitution, they have not become independent States, how has it happened that, without a single exception, they have elected their own governors, judges, &c., and their acts have been constitutional and valid? Can it be said of all these cases that Congress, knowing these territorial people had usurped the powers of States, would have silently submitted to it? Their having done so was the strongest proof that every one of these States had, in the opinion of Congress, of the State governments, and of the people, the powers which they exercised.

Mr. L. said he knew there were persons who believed that the people of Missouri Territory do not become a State until, by an act posterior to the formation of their constitution, Congress declares their admission. Mr. L. said he could not admit this. It was disproved by the uniform language of precedents. The acquiescence of Congress in their elections of Senators and Representatives to Congress disproved it. These elections held previous to the submission of their constitutions to Congress, had uniformly been held valid. Who are Senators? They are deputed by the States composing the Union to represent them in Congress. If States only can vote for Senators, the uniform practice of recognizing all such elections as are subsequent to the adoption of a constitution, is conclusive

enough that they who choose them were already in the condition of States. In the case of Kentucky, indeed, without any declaratory resolution, without any thing like a formal acknowledgment of her being a State, but by virtue of an act declaring, prospectively, that when she had formed a constitution she should be a State, she was admitted without further legislation. In the case of Indiana, there was a yet more formal and authoritative exposition of the principle for which Mr. L. contended. In the case of Indiana, the practice of a declaration of admission first occurred, which had been since followed in other cases. Properly viewed, that declaration, Mr. L. said, was only a form of notification to the other States—a proclamation by Congress to the Union, of the admission of another State into the family. That such was the light in which it was viewed on this first occasion on which it was employed, was evident from the fact, that the resolution of declaration passed on the 11th December, 1816, and the representative from the State was admitted to his seat on the 2d December, nine days preceding; so that it was evident the declaratory resolution was then regarded as a matter of form and notification merely. But there was still stronger proof, in the case of Indiana, of his position. In counting the votes for President and Vice President a few days after the above date, those of Indiana given before the passage of the declaratory resolution, were received and counted. If a people may rightfully, and even without objection, elect a Governor, Legislature, and Judges—may elect and send to Congress Senators and Representative, and, finally, may vote for President and Vice President—upon what principle will it be said that a people, enjoying and exercising all these rights, are not a State; or that to constitute them a State, requires the further interposition of this House? He could not admit it, he repeated.

These observations, Mr. L. said, he had made with a view to show how little foundation there was for an opinion, which he had understood was not uncommon, that the act of the last session was merely a suggestion to the people of Missouri that they might form a constitution if it pleased them, and that, if that constitution met the approbation of the Congress of the United States at their next session, they should then be admitted into the Union.

Another circumstance, Mr. L. said, showed, beyond dispute, that it was not intended by this House, in passing the act of the last session, merely to give authority to the people of Missouri to propose a constitution, but that it was intended to confer on Missouri, by that act, all the rights which the oldest and proudest States of the Union are supposed to possess. When that act was under consideration, it appears by the journal of this House, that a motion was made by Mr. TAYLOR to amend the bill by striking out these words, "And the said State, when formed, shall be admitted into the Union

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

upon an equal footing with the original States, in all respects whatever," and inserting in lieu thereof, those which follow: "And if the same (that is, the constitution) shall be approved by Congress, the said Territory shall be admitted into the Union as a State, upon the same footing as the original States;" the difference being that, in the bill as it stood, (the act as it now stands,) we made her a State, and in the other we were to give her authority to form a constitution, and leave our approbation to be a condition of its final admission. A very large majority, (125 to 49,) even at that time of strong excitement and nearly equal division of opinion with respect to the restriction, voted in the negative.

The substance of Mr. L.'s argument then was, he said, that, by the act authorizing the people of Missouri to form a constitution and State government, certain rights were given to them; by the former practice of the Government, he had endeavored to show that the mere circumstance of assenting to the proposition of Congress was enough to constitute the people a State, the act of declaration, now proposed to the House, being mere surplusage. Missouri had, then, a right to form a government absolutely and inalienably. If she had not now the rights of a State, let it be shown how she had lost them. It is contrary to the principles of the constitution, contrary to the genius of our Government, that, having once given them the right of self-government, Congress can now take it from them.

Considering this question as settled, the next important question was, whether the constitution formed by the State of Missouri becomes void by the admission into it of a clause not compatible with the Constitution of the United States,—admitting, for the sake of argument, that such is the fact.

Whether that particular clause of the constitution to which exception was understood to be taken was constitutional or not, the interest of the nation, justice to Missouri, and respect for itself, required that the House should not undertake to decide. In taking this ground, Mr. L. said he knew he should be considered by some as evading the performance of a duty which, in the present case, they supposed to be devolved on this House. On this account he should attempt to show that no duty devolved on this House to express an opinion with respect to that clause; and intimated that he could show, were it necessary, that similar provisions were contained in various acts of the United States to which exception had been taken in neither House. The clause of the Missouri constitution to which he referred was that requiring the Legislature to pass laws to prohibit the settlement of free negroes in the State, which was supposed to conflict with the provision of the Constitution of the United States, which provides that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." Mr. L.

here went into an argument of some detail, the amount of which was, that, as to numbers, a very large majority of the free blacks in the United States were not considered citizens in their respective States; and that, in construing any general provision of a constitution, it was fair to consider it as having a general application, and not as being without exceptions. In any view there could be nothing more clear than that, if the objected provision was capable of a construction which would reconcile it with the constitution, it ought to receive that construction. For example, in this case of Missouri, he thought it might be quite fair to say that that provision respecting free people of color must be construed liberally, as intending to exempt from its operation such of them as were citizens in other States. However this might be, he contended, as the committee had laid it down in their report, that it was a question not for this House, but for a different tribunal to determine.

But, Mr. L. said, there were many who object to this course—the course pursued in all other cases—who allow that the judiciary could, with more ease, certainty, uniformity, and effect, expound constitutional law, but contend that we must decide whether the provision in question be constitutional or not. We must express an opinion on it, however inexpedient, because it is our duty. Now, Mr. L. said, he did not see that having declared that the people of Missouri should form a constitution and State government, imposed on this House the duty of construing law in this more than any other case. It might be considered rather an objection to it, inasmuch as, in doing so, they would have to expound the law themselves had made—no principle being better established than that the authority which forms the law should not construe nor apply it. The true question in this case then was, which was the best tribunal to decide the question respecting this disputed clause of the Missouri constitution. If it were asked whether this House, or the Senate, or the Judiciary of the country, were the best qualified to expound a law, there would be no difference of opinion on the question. It must, then, be a consideration of paramount duty only on the part of this House to decide upon it, which could induce it to undertake the exposition of a law in respect to the construction of which there was a doubt.

Mr. L. then examined, somewhat at large, the question, whether a judicial or legislative tribunal be the most capable to decide correctly such a question as was supposed to be presented by the particular clause in the constitution of Missouri. He argued, from the inability of either branch of Congress to act independently on any such question, from their inability to act with uniformity, &c., that they were not the proper bodies to be charged with judicial investigations. And why, he asked, the rights of all the States being equal, should those of Missouri be subject to an adjudication different

from that to which other States are subject? The rights of the old States were subject to judicial decision; and no man would pretend that, in respect to any old State, Delaware for example, her constitution could be suspended, that her Senators and Representatives should be excluded from these halls, on Congress thinking they had discovered something not altogether right in her constitution. It was an essential objection to the power now claimed for Congress, that, if allowed, it would be a power to be exercised in a new State, which none would pretend it could exercise in an old one. Upon every consideration, of which he urged several others, he was in favor of leaving the matter with the Judiciary, where, and where only, in his opinion, it properly belonged.

The principles which had influenced, from time to time, the conduct of the different branches of the Government, would lead to the same conclusion. At the time of the formation of the Federal Constitution (to go back to that date), it was foreseen that there might be a disposition, at some future day, in some or other of the States, to break over the barriers of the constitution about to be formed, &c., and a provision was introduced prescribing a mode of deciding controversies of that description. If, in all other cases of constitutional questions, it has been provided that they shall be decided by the Judiciary, the reason must apply and be conclusive why this body should not undertake to decide a constitutional question in the case of Missouri. Justice requires that those who have the same rights shall have their rights decided by the same tribunal.

If, however, the only objection to the passage of the resolution now under consideration was, that an inference might be drawn, from the silence of Congress, that they approved the exceptionable provision in the constitution of Missouri, Mr. L. suggested that some mode might be adopted by which the objection on this point might be explained. He should himself, as an individual, with the utmost reluctance express any opinion on the subject, and he thought it would be exceedingly unwise in Congress to do so. There would be no end to such a course. There were in the constitution of Missouri, and of every State in the Union, clauses to which some might take exception, of which Mr. L. instanced the provisions respecting banks, &c., which some believed the States had no right to establish. Every consideration of prudence and propriety, in his opinion, forbade from interposing in the present instance.

Mr. L. said he did admit, however, that there might be cases in which Congress might find it to be their duty to interpose, on the moment of admission of new States into the Union. For instance, if, in relation to the term of Senators, or any other provision which, from its character, could not be brought before the Supreme Court, the new constitution were incompatible with that of the United States, it was his opinion it would be a good reason why Congress should

interfere. Nor did he think this was at all inconsistent with the ground he had already taken, if for no other reason than that the judicial tribunal could decide the question now agitated, and decide it better than this House. The duty of Congress, in this respect, begins where that of the Judiciary ends.

Referring to his former remark, that gentlemen would do well to satisfy themselves that their opinions were not the effect of prejudice, by examining what was the conduct of their predecessors in more quiet times, Mr. L. said he would turn to the case of the second new State which was admitted into the Union, and the objections to whose admission were removed in the way proposed in the present case. Tennessee, without waiting for a law of Congress to authorize her, held a convention, formed a constitution, and sent it on to Congress. The objection was made in the House of Representatives, by Mr. SMITH, of South Carolina, that the constitution of Tennessee was incompatible with that of the United States; to which Mr. BALDWIN replied, that, if there should be things in the constitution of Tennessee not compatible with the Constitution of the United States, "it was well known that the Constitution of the United States would be paramount—they can therefore be of no effect." He quoted this to show that this suggestion of referring the question to another tribunal than this, was not an expedient to get over this case, but one which had prevailed in the early days of the Republic. The conflict between the constitution of Tennessee, however, and that of the United States, was much more unequivocal than in the present case, and so far the present case is more favorably presented to Congress than was that of Tennessee. In the latter case, the Legislature were required to provide some means by which the State of Tennessee should be sued in its courts, with a proviso that this advantage should be confined to citizens of that State, and not extended to those of other States. Here was a direct conflict with the Constitution of the United States, whilst that of Missouri is only constructive. Yet, in that case, the question of constitutional law was left to those who were most likely to decide correctly, and withal competent to enforce their decision—that is, to the Supreme Judicial Tribunal. He thought it perfectly compatible with the most nice and rigid sense of duty for Congress to do the same in the case now before them.

Mr. L. said he knew an objection had been taken to leaving the Judiciary to sustain a conflict with a State, in regard to the conformity of its constitution to that of the United States. But, surely, if in regard to all other States, it now has that authority, there can be no hardship in leaving the same power with it, in regard to the new States.

Mr. L. said the views he had expressed were founded on the belief that Missouri was now, to all intents and purposes, a State. But, he said, if he did not believe, that, under the act of last

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

session, Missouri is a State already; if he thought she was only a State in fact and not a State in right, he should have the same opinion as he had now expressed. She has her own government, legislature, and judiciary, and exercises all the rights of a sovereign State. In this case, as in the other, he should think it inexpedient to pronounce on the constitutional question; because, should that clause be excepted from the recognition, it could be reinstated on her becoming a State, without the power of Congress to prevent it; and the question must at last be decided by the Judiciary, the only competent tribunal.

Mr. L. here concluded his remarks, reserving for a future occasion the answers to objections which he might not have anticipated. And, on motion of Mr. SERGEANT, the committee rose, and the House adjourned.

THURSDAY, December 7.

Two other members appeared and took their seats, to wit: from Pennsylvania, ANDREW BODEN; and from Kentucky, BENJAMIN HARDIN.

Missouri.

The House then resolved itself into a Committee of the Whole, Mr. NELSON of Virginia in the chair, on the resolution declaring the admission of Missouri into the Union on an equal footing with the other States of the Union. And the question having been again stated—

Mr. SERGEANT rose. Of the speech which he delivered, occupying upwards of two hours' time, the following must be considered as a free but not a very full report:

Mr. S. began by saying, with respect to the question hinted at by the gentleman from South Carolina, and discussed at the last session, he did not agree with him that the decision of the question now before the House depended upon the decision of the question agitated at the last session. How far that question might be involved in the present question, might be a subject for consideration; but, independently of that question, the one now presented was a very important one. However minute in itself, if it extended but to a single provision of the constitution presented by the people of Missouri, it yet involved considerations which those, who had listened to the arguments of the gentleman from South Carolina, must see, went to the whole extent of determining what power actually remained in Congress with regard to any territory after authorizing them to form a constitution—what they have a right to insist upon, what they have a right to do and say upon the subject—in short, the question whether Congress have or have not any power at all under the Constitution of the United States, with respect to the admission of a new State into the Union, after the passage of an act authorizing the people to form a constitution.

It could not be doubted or denied, Mr. S. ad-

mitted, that there was, in looking at the admissions of States into the Union, heretofore, at least, an apparent irregularity, and much of apparent disorder. If, however, any inference were to be drawn from precedents in the case, it would be, that there never had been any precise examination of the powers of Congress in this respect—no established mode of admission—or, in other words, that there had been every variety of mode. For the sake of the future peace and harmony of the Government of the United States; for the sake of the territories hereafter applying to be admitted into the Union—for the sake of Congress alone, said Mr. S., it is incumbent on us all to examine the grounds of this question; to see what are our rights, and what theirs, and deduce, from a full consideration of these, a rule which shall be uniform as to the States hereafter to be admitted into the Union, and free from the danger of exposing us to contests such as that which appears to have arisen on the present occasion.

The power to admit a State into the Union, no one would doubt, was a very high one—a power to part with a portion of that authority which was originally vested in the old States, and which exists in the present States, and to admit to a participation in our counsels, in our power, in the control and management of every thing concerning our rights and property, a new and integral member of the Union. The question became one of graver consideration, when it was considered that it was proposed now to extend this participation to an object which was not in the contemplation of those who formed the Constitution of the United States, who had looked in their provisions to the territory then in possession of the United States, and probably had never calculated on the admission of States out of territory beyond the original limits of the United States. This high power was given to Congress; and, after the discussion of last session, it was needless to say, was given without limitation. The power is, "to admit new States into the Union;" it is granted in the broadest and most comprehensive manner—and, it would seem to follow, as the consequence of this grant of general authority, that Congress possessed every power and authority necessary to its fair exercise. Whatever power was really given to Congress, it was their duty to exercise, and not turn it over to any other department, confiding in it to cure the defect which Congress suffered to pass uncorrected. There was nothing in the Constitution of the United States which countenanced a different course. It is our right and our duty, said Mr. S., when a State offers herself for admission into the Union, to see that she can come into the Union under the Constitution of the United States, and in conformity with its provisions. For certainly, whatever were the terms in which the power was given to the people of Missouri to form a constitution, no one could for a single moment doubt that that power was never intended to transcend the Constitution of the United States, or to bring

into the Union a State whose constitution was not conformable to that of the United States. Such a grant would have been an exercise of authority by Congress beyond the constitution: it would be an anomaly impossible to account for—an inconsistency with the Constitution of the United States which it would be impossible for any one to reconcile.

It would therefore seem, that when, as incident to the power of admitting States into the Union, Congress authorized a territory to form a constitution and State government, it must follow that the constitution, so to be formed, is to be conformable to the Constitution of the United States, and that the territory thus authorized does not in any sense become a State until she has formed such a constitution. Our power, said Mr. S., is to admit, and incidentally to authorize the formation of a constitution, with a view to admission. Have Congress the power to authorize a people to form a constitution and State government sovereign and independent of the United States? No, the power to authorize a people to form a constitution is an implied power, subordinate to the full power, which never is effectually exercised until the act of admission subsequent to the formation of a constitution.

Mr. S. said, he made these remarks in the outset, to meet at once an argument of the member from South Carolina, which was plausible, captivating, and seemed to be calculated to smooth the way, and remove every difficulty. That argument was that the State, from the moment of its formation of a constitution, became an independent and sovereign State. Where, said Mr. S., is your power in the constitution to make such a State? Your power is to admit States into the Union, and your power to authorize the people of a Territory to form a constitution, is merely subordinate and subsidiary to the main power. Can you admit a State by anticipation, as the gentleman has suggested? You transcend your authority if you do so. Mr. S. ventured to say that Congress never had done so; that they could not do so; and, in some sense or other, every member of the committee would agree with him in this opinion. Could Congress, by anticipation, bind itself to the admission of a State, (for such was the argument yesterday pressed upon the committee,) so as to have no choice but to accept such a constitution as that State chose to offer? Surely not; but, according to the argument advanced by the gentleman from South Carolina, not only was the present Congress to be bound by the act of the last session, but the present Congress might, by an act passed now, bind the next Congress to the admission of a State into the Union. Was the authority given by Congress to the people to form a constitution, a compact with them that they should be admitted into the Union on any other terms than those prescribed to them? For one, Mr. S. said, he did not feel himself bound, by giving the authority to a

people to form a constitution, to admit them into the Union, unless their constitution should be such as the people of the United States, through their representatives, thought fit to accept as the fundamental rule of government of the State thus to be admitted.

Mr. S. then proceeded to say, that he did not mean now to enter into the question of the last session—it had been discussed enough. He did not mean to abandon the opinion which he had then formed and expressed. It had not been formed hastily, but carefully and deliberately, and he had seen no reason to change his mind upon it. Without going into that question at all, he should proceed to the immediate question presented by the argument of the gentleman from South Carolina.

This single question was, whether it is the right and duty of Congress, before admitting a State into the Union, to see that its constitution and State government be not repugnant to the Constitution of the United States. He should have hoped, he said, and he yet hoped, that the opinion would be nearly unanimous in this body, that there might be such a repugnancy between such a State constitution and the Constitution of the United States, as would not only justify Congress in interfering, but make it their imperious duty to interfere, to prevent her taking rank in the Union. Whether that was the case in the present instance, was, he said, a different question.

The preliminary inquiry was that which he had just stated. It had been said that Missouri was already an independent State; that she has formed a State government under an unlimited authority from Congress; and that she has now the same rights as the proudest and oldest States in the Union. If it be so, said Mr. S., what are we now deliberating about? Why is it, that the resolution now under consideration, is proposed for our adoption? Why are this and the other House called upon to pass a legislative act which is altogether unnecessary, and which has clauses in it, if this construction be true, which are extremely objectionable? If this construction be correct, her Senators and Representatives have a right to their seats on the floor of either House—to unite in the common counsels on the affairs of the Union, and to give to the votes of Missouri the same force as those of any other State. Why are they, then, said Mr. S., kept waiting at our doors, and not permitted to partake of our deliberations? Why do they wait until the fate of this resolution be known?

It was said that this resolution was nothing but a declaration of a fact. Such a notification was not necessary for the Senators and Representative of Missouri; it was not necessary for Congress, if, the fact being known, the former had nothing to do to entitle them to a seat, but to advance to the Chair of either House, and take the oath to support the Constitution of the United States. Why was it, moreover, that the constitution of Missouri had

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

been submitted to a committee of this House? Why had a report been made by that committee, and why was this House now discussing it? And why was it that that report went into an examination of a particular clause of that constitution, and pointed out the mode in which Congress were to relieve themselves from the task of deciding on its constitutionality, by leaving it to the judiciary? If the gentleman's doctrine were true, this is all superfluous. It is more, said Mr. S., for the resolution declares that Missouri shall be, and hereafter is declared to be, one of the United States, &c. He did not use this reference, he said, for the mere effect of verbal criticism, but for a higher purpose. When a committee, composed as that committee was, finds itself under the necessity of presenting a resolution, to be adopted by a joint vote of both Houses, declaring that Missouri is thereby, not that she has been admitted into the Union, was it not as strong evidence as could be furnished, that there was something which seemed to compel those who acted on it to say, that this declaration of the fact is the virtual legislation which brings Missouri into the Union—which qualifies her for induction to the Union, and that anterior to it she was not a State, and not entitled to be? From what period, Mr. S. asked, was it that Missouri was admitted into the Union? It would be from the moment of the adoption of this resolution. Could it be said of any antecedent period? Here, Mr. S. said, he would avail himself of another concession of the gentleman from South Carolina; and, in taking to his aid a concession of his, Mr. S. said he did it with the full impression that it was the result of the conviction of his own mind, and with the benefits, therefore, of the conviction of such a mind as his. That gentleman had admitted that Congress might, if they thought proper, introduce a qualification of their assent to the admission of Missouri into the Union, which shall serve to show its dissent to a particular clause of the constitution of that State. If this resolution, then, instead of being merely formal and declaratory, was susceptible of an amendment by which Congress could exclude that interpretation of a particular clause of the State constitution which on its face it bears, would it be said that the State was a member of the Union without the adoption of that resolve? If so, where did Congress derive the authority to legislate on the interpretation of its constitution? Mr. S. further called the attention of the committee to the terms of the preamble of this resolution, wherein it is declared that, "whereas, in pursuance of an act of Congress, &c., the people of the said Territory did, on the 19th day of July, 1820, by a convention called for that purpose, form for themselves a constitution and State government, which constitution and State government, so formed, is republican, and in conformity to the provisions of the said act." The reason assigned for her admission is, that she has formed a constitution

in conformity to the provisions of the act of last session. How could the committee know this? By their own examination? Could Congress, then, declare this to be the case, without having examined the constitution of the new State? Certainly not. And when, in the act authorizing the formation of this constitution, were found two limitations, that it should be republican, and that it should not be repugnant to the Constitution of the United States, did it not become indispensable, before passing a preamble and resolution like this, that the members of this House should be satisfied in their own minds that these requisitions have been complied with?

If in a single article, the constitution of Missouri be repugnant to that of the United States, said Mr. S., can we seriously assert that she has formed a constitution according to the authority given to her? And, when called on to say how we can reconcile it to ourselves to sanction such a contradiction in terms, will it be sufficient to say that we have nothing to do with that question, and will leave it to the Judiciary to decide? We have nothing to do with it! exclaimed Mr. SEBASTIAN. Why, then, prescribe to the people of Missouri any conditions in the first instance? Why not say, we gave her a right to form a constitution; she has formed it, and whether it be or be not repugnant to the Constitution of the United States, she is a member of the Union? The contradiction was sufficiently apparent in the fact of the introduction of this resolution; it would be seen at once, that the House was neither conforming to the Constitution of the United States, to the act of the last session, nor to any principle heretofore observed in the admission of States. Could it be said that Congress had parted with the power of looking into the constitution of Missouri, when it had expressly prescribed conditions which should be indispensable to its acceptance? The terms of the compact, if the act of the last session was to be considered a compact, between the United States and Missouri, were perfectly clear; and he took this opportunity of saying, that, if Missouri was involved in difficulty—if Congress found itself in perplexity—if the Union was disturbed on this occasion—if this House was impelled to the consideration of questions which it was painful to act upon, it was not the fault of the Constitution of the United States, but it was the fault of the people of Missouri. It might be their error—an error which they would be glad to avail themselves of an opportunity to correct—for, Mr. S. said, he could not believe the people of Missouri would have wantonly introduced into their constitution a clause at variance with the Constitution of the United States, under an impression that this act of admission was a mere form. They would not wantonly have done it, for it could not be either their interest or their inclination to try the temper of the Congress of the United States—to try how far its regard to the constitution would

bear it out in the contest, or how far it would consent to surrender a portion of the rights of the whole Union to avoid a difficulty which the people of Missouri have themselves created. There was prescribed to them but one condition; to that condition they had not conformed, and they are not entitled to admission into the Union. The failure to fulfil the compact is on the part of the people of Missouri; and, said Mr. S., when we come, in a case of this sort, to the question between remanding this constitution for reconsideration, or giving up the smallest possible portion of constitutional power, I trust that the people of every part of the Union would bear us out in saying that the constitution shall be inviolate; and that we shall not be the first to set a precedent which, begun to-day, may be followed to-morrow, until it involves the very existence of our Government.

Would the people of Missouri, Mr. S. asked, think more highly of Congress were it to yield to them on this occasion? Would they not hereafter come into the Union with more respect for Congress, and with more respect for themselves, too—with a higher sense of the value of admission into the Union, if Congress now fairly met this question, thus giving to the people of Missouri an assurance that what was now done with respect to them should be hereafter the rule of conduct for Congress, as to others asking admission into the Union? Would it not show to them that Congress was disposed to do all in its power to preserve the blessings of this Government for them and for their posterity? What, he asked, would be the consequence of submission by Congress in the present case? Missouri will have extorted from us something; another State will extort something more; each will appeal to our fears, which may be well or ill-founded; each new State will endeavor to exact from us what she thinks will make for her own interest, until at last they will not think it worth while to ask our leave to do as they choose. How much better would it be for Congress at once to take its ground, and refuse to sanction the constitution of any State which is in any respect repugnant to that of the United States!

Suppose that this constitution of Missouri, instead of being faulty in a single particular, were throughout, from beginning to end, at variance with the Constitution of the United States. Would it be pretended, in that case, that Missouri was entitled to be admitted into the Union? Certainly not; yet the only argument in favor of her admission, with one clause of her constitution incompatible with that of the United States, went the whole length, or necessarily involved the consequence of yielding the whole; because it was founded on the ground that Congress had parted with the whole power, and had no right to pass upon the constitution; on the ground, in short, that Missouri is now admitted into the Union.

The gentleman himself, however, had, in an-

other part of his speech, given up this, which was the essential part of his argument; for he had concluded that, if the constitution of Missouri was repugnant to the Constitution of the United States in particulars which could not be submitted to the judicial authority for decision, Congress ought to interfere. If, said Mr. S., we ought in any case to interfere, there must be a mode of interference. What is the mode, and what should be the time? When, certainly, she presents herself for admission. And, if we have then a right to inquire whether there is or is not occasion for our interference, is not the whole ground of the gentleman's argument abandoned?

Pursuing his argument, Mr. S. said he held it to be perfectly true that there could be no violation of the Constitution of the United States which would not produce injurious civil and political effects, as distinguished from individual effects over which the Judiciary have control. How many men may be injured before one man appears with a spirit to resist the injustice! What, Mr. S. asked, did the history of all Governments exhibit to us but a series of usurpations on one hand and sufferings on the other, submitted to until they became too grievous longer to be borne? Men suffer long; they suffer from necessity, from poverty, from ignorance, from the want of capacity to exert those rights which belong to them, and which it ought to be the care of a wise Government to preserve to them. Why is it that the names of men who, in all time past, have resisted oppression, have been immortalized by the historian, the painter, and the poet? Why have they been considered as entitled to peculiar honors? Because they took upon themselves the burden, and a heavy burden it is, of resisting by force the Government which had long oppressed and persecuted them and their fellow-men, under the forms of law. Now, said Mr. S., if we allow bad principles to be admitted into the constitutions of States formed under our eye, or good principles to be excluded, what will be the consequence? You shift the responsibility from yourselves, and leave it to individuals to fight the battle with the States. Why do our State constitutions contain declarations of rights? Why have the people been so careful thus to lay down the principles which are to guide the Government in its operations? For the purpose of preserving political and civil rights inviolate as well as individual rights, and to prevent individuals from suffering under their violation.

Coming nearer to the particular question involved in the constitution now presented by Missouri, Mr. S. said, suppose that constitution had said that no free white citizen of the United States should come to reside in Missouri—was there any gentleman who would say that, with such a provision in her constitution, Missouri ought to be admitted into the Union? He would not answer for others, but, for himself, he believed such a provision would produce

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

such a shock as would occasion but one feeling throughout the country—that of resistance. This was an extreme case, he knew, (not likely to happen,) but he had put it for the purpose of illustration; and he confessed that the argument appeared to him irresistible, that a power to examine the provisions of the constitution must exist, and that a power to refuse admission, in certain cases, must necessarily result.

If Congress, having the power to reject, should yet accept the constitution of Missouri, Mr. S. contended it could not, with any propriety, be said that Congress did not approve the constitution of Missouri.

The trust of guarding the Constitution of the United States from violation, said he, in continuation, is peculiarly and emphatically ours. We are sworn to support the constitution before we enter on the duties to which we are called under it; and, he believed the gentleman from South Carolina himself, and every other member of this House, would go along with him in saying that their support of the constitution ought to be active and zealous, and not a cold and penurious support. It ought to be no calculation how much they might give up of that constitution, but a determination that even if there be doubt, that doubt should be determined in favor of the constitution. It should be thus, said he, that by a constant, warm, and cordial support of it here, we may invigorate and quicken the respect and veneration for that instrument, which, I trust, is entertained by the whole people of the United States.

With respect to the proposition to turn over to the judiciary the decision of the question involved in this constitution, Mr. S. said he must declare, that, with the greatest respect possible for the judiciary; with the highest confidence in their rectitude and wisdom; with the greatest willingness to submit to their decisions in their proper sphere; he could not consent, on a question which was properly presented for his own decision, to say, let the question sleep till some humble individual, some poor citizen, shall come forward and claim a decision of it. He never would pass a duty by, by leaving it to some individual to do what Congress ought to have done. No, Mr. S. said, his idea of supporting the constitution was, to give it such an active support as should convince everybody that even the appearance of violation of it would not be permitted. And he begged gentlemen, before they consented to take a course different from this, that they would consider, seriously consider, what may be the effect, in a Government depending on public opinion for its support, of a disrespect of its authority exhibited on this floor.

Mr. S. then noticed the argument which Mr. Lowndes had derived from the Journal of this House of the last session, in the case of the motion of Mr. TAYLOR to amend the Missouri act so as to require her constitution, when formed, to be approved by Congress, &c., before she could become a State—which motion was nega-

tived by two to one. Mr. S. admitted the fact, but argued that it proved nothing in favor of Mr. Lowndes's argument. Gentlemen had voted against it on various grounds; some, he knew, had voted against it because they believed it superfluous, holding the opinion which he was now maintaining, that the constitution must, of course, receive the sanction of Congress before it could be of any authority, &c.

Mr. S. then referred, for illustration, to the case of Louisiana, who was required to submit her constitution to Congress, and it was submitted and approved accordingly before it went into operation. If Congress, according to the gentleman's argument, had no right to do so, this proceeding was all unconstitutional and void. And it was worthy of remark that, at the same time that constitution was required to be submitted to Congress, it was also required to be not repugnant to the Constitution of the United States. Yet Louisiana was not intended to be admitted on different terms from other States, but on the same, &c.

But, independently of the act of the last session, it had been asserted that Missouri is now a State; that she is a State in fact. Mr. S. asked of gentlemen seriously to consider this position. From what time has she become a State? From the moment of the passage of our act, from that of the adoption of her constitution, or from that of the organization of her government? He did not distinctly understand from what point of time the gentleman from South Carolina dated her independence—

[Mr. Lowndes here explained what point of time he referred to. It was at the moment when, the question having been formally proposed to the people of Missouri, whether they chose to form a constitution and State government, they voted it expedient to do so, it was then that he thought arose the right in them of self-government.]

Mr. S. did not consider the point of time in this respect material. The question was, is Missouri entitled to the rights of a State until she be admitted into the Union by Congress? In support of this opinion, he said, no reason had been assigned that was founded in the Constitution of the United States. Reasons had been assigned by the gentleman of South Carolina, which appeared to him to be founded in a convenience which amounted to a sort of necessity, but no argument had been drawn from the constitution in support of this position. We have the power to admit a State into the Union, said Mr. S., but was it ever supposed that a State was admitted, by her own act, before we admitted her? Could it be pretended that, when Congress authorized the people of Missouri to form a constitution, and under the circumstances of this case, they did admit them into the Union? It might be argued, with some plausibility, that Congress had by that act engaged that, at some time, they should be admitted into the Union. If the authority given had been to erect themselves into a sovereign

and independent State, Mr. S. would have been able to understand the argument that they are now a State. But, when Congress gave them authority to form a constitution to fit them for admission, to say that Congress did then admit them into the Union was an argument not intelligible; and almost equally so was that which made her out to be a State whenever her people had formed a constitution.

The United States, with respect to her territory, stood almost in the same relation as one of the States to its territory. Virginia, for example, gave authority to the people of that part of her territory which is now Kentucky, to form a constitution. The territory called a convention, made a State government, fixed the mode of her elections, and elected her officers. Was she then a member of the Union? Yes, when Congress agreed to admit her into the Union. Was she a State before that took place? Certainly not. So with the Territories of the United States. Congress gives them authority to make a constitution, preparatory to their admission, and that being done, Congress may admit them.

If, said Mr. S. further, Representatives from a Territory which has thus formed a constitution, present themselves at the door of this House, is not the House bound to inquire whether they are the Representatives of a State? Must we not examine whether they are properly deputed, or must we admit anybody and everybody who presents himself and declares that he is the Representative of a State? We may know the fact out of doors, but it must also be known here; to ascertain it, we are obliged to examine the constitution. Mr. S. entered into a train of reasoning to show the inconvenience which would result from each branch of the Government being left to determine for itself the independence of a State, the chance of their not concurring in their views of the subject, and the incongruity which would result from such a disagreement.

The orderly, politic, and regular course of proceeding in such a case as this, was so obvious, he said, that he was only astonished that, in any case, a different course had been pursued. In the main, he said, the construction had been that for which he contended. Whatever irregularities there might have been in other respects, with respect to the newly formed States, the full extension to a State of the benefits of its admission into the Union had never taken place, until, by some act, Congress had expressly or impliedly recognized its admission.

Mr. S. then proceeded to inquire whether the practice of our Government sustained the doctrine which he had endeavored to show was inconsistent with its theory. With respect to precedents, whilst he disavowed a slavish subjection to their authority, yet he acknowledged that if they were clear and undeviating, showing a uniform practice under the constitution to the present time, he should consider them of very high authority. He recollected, in a

case at the last session, the gentleman from South Carolina had not considered them of so great weight; but Mr. S. said he agreed with that gentleman now in allowing them weight, provided they have the character of uniformity. He was mistaken if, upon examination, they did not turn out differently from what the member from South Carolina had supposed. In examining them, a precedent might be made out to warrant any course gentlemen chose, they differed so much from each other; among them might be found one for a people making a constitution without previous authority from Congress, and that too out of the territory of the United States, for which nobody would contend. Mr. S. here briefly ran over the cases of admission into the Union, commenting on each. Kentucky, Vermont, Tennessee, Ohio, and Louisiana, were admitted up to 1811, inclusive, and in every case some act of the Government had been thought necessary, precedent or subsequent, to entitle them to admission. From the year 1811, however, every State admitted (five in number, besides Maine, whose case was peculiar) had been formed by previous authority, and had come into the Union by virtue of an act or resolution expressly admitting her. Would gentlemen, then, take the single precedent of Kentucky, of Tennessee, of Vermont, with their peculiarities, and apply it to a State formed out of a new Territory purchased by the United States, or would they take the case of other States, which formed a series of precedents, each distinctly recognizing the power of Congress to give previous authority to a people to form a constitution, and also the authority and right of Congress to admit them into the Union, and the necessity of such an act of admission?

With respect to elections by the inchoate States, he considered them as provisional, and made valid by the ratification of the constitution. The Representative from Indiana taking his seat before the passage of the act for her admission, he considered an oversight. And was not the fact of the Representative from Missouri remaining absent, asserting no right as a Representative, and not being admitted as such, (and so of her Senators also,) a stronger evidence of the opinion, not only of the old States, but of the new States too, than a single precedent of irregularity, as that of Indiana?

Having shown, in his opinion, that Congress possessed the right and power to examine this question, Mr. S. proceeded to the remaining points in the discussion.

In this particular case, the mode of proceeding proposed, struck him as the most objectionable that could be devised; because it seemed to him that the report and the observations of the chairman of the committee, did admit that there was something in the constitution formed by the people of Missouri, upon which, if the House was called upon to speak, gentlemen would be obliged to say they are of opinion it is unconstitutional; for, in the first place, the committee are willing to leave the decision on a par-

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

ticular clause to the Judiciary; in the next place, they think it susceptible of an interpretation not inconsistent with the Constitution of the United States; and, it is lastly suggested, that Congress may avoid the difficulty by a protest, or explanation, or interpretation of the clause, as they desire it to be understood. All this seemed to convey the impression that there was something there, which gentlemen wished to avoid voting and deciding upon.

To refer the subject to the Judiciary was one mode proposed for getting over it. To this course there were a great many objections, which doubtless had already occurred to the minds of the committee. Among these, Mr. S. dwelt particularly on the following: that, if it be the duty of this House to pronounce on any question, they had no right to shift the responsibility on the Judiciary; and that Congress cannot send the question to the Judiciary, there being no mode prescribed in the constitution by which they could do it.

With regard to leaving it to chance to bring it before the Judiciary, that chance might never come, &c. If the Judiciary were, indeed, the tribunal to decide the question, they ought to decide it before the House acted on it. Another great objection to the course proposed was, that it would unnecessarily throw on the Judiciary the performance of an *odious* duty, which he acknowledged this to be; and it seemed to him gentlemen showed too strongly, by their mode of proceeding, and their endeavors to throw it from themselves, that they felt it to be so. But this House was much better able to bear the *odium* of it than the Judiciary. Mr. S. said he never would consent that the Congress of the United States should, for their own relief, burden the Judiciary with that sort of question, the decision of which makes it most *obnoxious*, exposes it most to that *excitement* which, of all departments of the Government, it was least capable of contending against. The effects of *unpopular* decisions in the State courts, showed what might possibly be the effect, in similar cases, on the United States Judiciary. He wished the whole strength of the Federal Judiciary might be maintained unimpaired for cases wherein the exertion of it might be necessary, which it was not in the present case. Another objection to the course proposed was, that, if the argument in its favor proved any thing, it proved too much. The more objectionable a clause of the constitution is, the stronger is the reason against the reference of it to the Judiciary, because it would there more certainly be declared so. A full consideration of all the views which could be taken of the subject, Mr. S. said, would bring him back to the true ground, that this House ought to decide itself upon the question.

If the Judiciary had been the proper tribunal to determine this question, Mr. S. went on to argue, it was so as to all questions which could arise respecting a new constitution; and if a gross and palpable series of infractions of the

Constitution of the United States were contained in a constitution formed by the people of a Territory, Congress would be justified, as much as in the present case, in referring it to the Judiciary.

It had been suggested that the present was a case which it would be difficult for Congress to decide, because the clause of the Missouri constitution was said to have offended that clause of the Constitution of the United States to which it was most difficult to give a precise interpretation. That clause Mr. S. quoted in the following words: "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." Mr. S. said he should be exceedingly sorry to believe that this clause was so difficult of construction that this House could not decide whether or not it had been violated in a given case; because, in one of our standard books, (the *Federalist*,) one of those authorities to which we refer for light in difficult cases of construction of the constitution, it was said that this very clause was the "basis of the Union." Strange, indeed, that this clause should have been considered the basis of the Union, and yet so equivocal that a construction could not be given to it.

If there was a difficulty in defining precisely the scope of the clause of the constitution, there could be none in deciding that it does give to the citizens of each State in the Union the humblest and lowest right enjoyed by a free man. Did any one doubt, Mr. S. asked, that this clause gives to citizens of every State the free right to go into any other State, to return, or to remain there? If that was denied, then he would agree that this clause of the constitution was all words and no meaning. Here, then, was the very point of this question. If the constitution of the State of Missouri has, either by its own positive provisions, or by enjoining it on its Legislature, excluded altogether from the State of Missouri any man who is a citizen of another State in this Union, then it is impossible to reconcile that constitution to the Constitution of the United States. It would be a defiance, which is worse than resistance, to the Constitution of the United States, if it had been intentional; but Mr. S. acquitted Missouri of any such intention.

Mr. S. declined going into the question how far a State had a right to make laws with regard to a certain class of persons referred to in the objected clause of the Missouri constitution. He briefly examined the suggestion of Mr. Lowndes that that clause did not intend to exclude such persons as were citizens in other States. But the clause itself, Mr. S. said, made no distinction of classes, but extended equally to both classes. Missouri might make the distinction if she chose. Was it for Congress to make an exception for her which she did not choose to make for herself, and which the Legislature of Missouri might not choose to consider as any part of that clause of the constitu-

tion? Congress had no right to interpret for them their own meaning. He then went on to show in what States free persons of color were citizens, and mentioned North Carolina, New York, and Massachusetts among them. To make them citizens of any State it was not necessary they should have a right to vote, as Mr. S. showed by various references that more than half the white men in some of our States did not vote, because they were not freeholders; yet no one would deny them to be citizens of those States, &c.

It was the humble simple privilege of locomotion only that was now claimed for these persons; it was a right indispensable to citizenship, and it was *all* that was asked for in the present case. If there was any way in which a citizen of one State can enjoy all the privileges and immunities of a citizen of another State, and yet not be permitted to set his foot in it, Mr. S. said he should be glad to be informed of it. With respect to the right of Missouri or of any State of the Union to regulate its own citizens, or to prescribe laws for their government, not inconsistent with the laws of the United States, Mr. S. said, no one pretended to interfere. She must regulate her own concerns upon such policy as she thinks best, &c. On what would be her true policy, Mr. S. made a few remarks which the reporter did not hear with sufficient distinctness to report them.

Upon the whole, Mr. S. said, it was clear that, unless something was introduced, by interpretation, into the clause of the constitution of Missouri, respecting free people of color, which the framers of it have not introduced, and which it is not known that they would be willing to introduce, it is a plain and palpable infraction of the Constitution of the United States.

The plain course, then, he believed, was not to receive the constitution formed by the people of Missouri. For himself, he believed, and with him many of the members of this House believed, that it was the duty of this House to look into the constitution, and if they found it contrary to the constitution, that it was the duty of this House to *reject* it.

What the consequences of doing so might be, it was not for him to anticipate; but, whatever they might be, they could not be worse than the recognition of the constitution in its present shape. But why apprehend any disagreeable consequences? Might not Congress discuss a question of this sort without reference to danger? Might it not reject this constitution of Missouri, without giving her any right to unqualified independence? Or was this House to give way, right or wrong? True, Mr. S. said, Congress had been much divided in opinion on the question of the last session, and they might be on this. But, as far as gentlemen might think the consequences of such division dangerous—the consequences they dreaded were the consequences of free and fair investigation—the consequence of men doing what they believe to

be right; and when men yield to fears excited by such causes, they give up the right of free discussion, the right of exercising their own judgment, the right of maintaining what, in their consciences, they think to be right. Does it follow, because there is a strong opposition to any measure, because there is great feeling and warmth on it, that therefore principle is to be abandoned? That no one would maintain. Neither was it consistent with the theory of our Government; because, at last, the will of the majority must govern. And, whatever fears might be entertained by others, Mr. S. said he felt confident that the will of the majority would be submitted to.

With respect to what would be the condition of the Territory on the rejection of this constitution, Mr. S. said, it appeared to him it would be territorial. What provision it might be necessary to make in respect to it he did not pretend to say, nor whether it would be necessary to make any. A case of the sort had never occurred in the history of our Government, and it would, if it occurred, deserve a careful and deliberate examination and decision. Here Mr. S. concluded his observations.

On motion of Mr. STORRS, who desired an opportunity of stating the reasons which would induce him to vote against the resolution for the admission of Missouri, the committee rose, and the House adjourned.

FRIDAY, December 8.

Missouri—Citizenship of Free Persons of Color.

The House then again resolved itself into a Committee of the Whole, on the resolution declaring the admission of Missouri into the Union on an equal footing with the original States.

Mr. STORRS, of New York, said: Whatever our opinions may be on the subject which was here agitated at the last session, it is now to be determined whether Missouri shall be admitted to the distinguished rank of one of the sister States of our Union. Believing that the constitution which she has presented to us is repugnant, at least in one of its provisions, to the Constitution of the United States, I am constrained to express an opinion against the adoption of the resolution now under consideration. The Legislature of the proposed State are directed, "as soon as may be, to pass such laws as may be necessary to prevent free negroes and mulattoes from coming to, and settling in the State, under any pretext whatever." The authority thus conferred by the people of Missouri on their Legislature, in my judgment, infringes the security contained in the Constitution of the United States, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

The committee who reported this resolution have said, that "of all the articles in our constitution, there is probably not one more difficult to construe well," than this. I had, in-

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

deed, supposed, that, on the principle established in this article, rested the whole structure of our National Government. It was upon considerations derived chiefly from the nature of our political system in this respect, that I had at the last session formed the opinion against our power to insist on the restriction proposed to be inserted in the bill then before us.

The foundation of this article of the constitution is laid deep in the structure of the Government. It is capable of no construction which does not plainly denote the universality of its operation, and its uniform application to individual right throughout every portion of the nation. By what tenure except this is a citizen of New York invested with the right of inheritance to lands in Ohio? By what other authority are the courts of justice thrown open in Virginia or New York to the citizens of every other State? It is the operation of this clause which reduces us to a perfect equality of rights with those around us, wheresoever we may transfer ourselves in every part of the Republic. The right of acquiring lands by purchase in other States—of devising them to our children—of enforcing private contracts, and an almost infinite variety of civil privileges, are all sustained on this obvious construction of the clause in question. To have omitted it would, in a Government like ours, have destroyed the whole harmony of the system, and produced the most jarring and discordant conflict of privileges. Without it, the citizens of each State, except in relation to the powers specifically delegated to the Union, would have been altogether aliens and strangers to each other, without any other mutuality of privileges than those derived from their common limited National Confederacy. Instead of inheriting the estates of their ancestors in other States, the law of escheats would have transferred them to foreign sovereignty. The enforcement of private right, if not the security of personal liberty, would have depended on the will or caprice of every State Legislature. Regulations of the most unjust nature might have created and maintained the most odious and oppressive distinctions. The whole tendency of the system would have been to estrange us from each other, and probably in the course of time we should have found in the want of this equality of privileges perhaps the very source of disunion itself. If, sir, as the honorable gentleman from South Carolina (Mr. Lowndes) seemed to admit, cases might happen in which it would be the duty of Congress to reject the admission of a State into the Union for the repugnancy of its constitution to that of the General Government, can we scarcely imagine a case more deeply affecting the validity of our system, and more calculated to lead to the most dangerous encroachments on private rights and personal liberty, than an impugnement of this clause of our constitution.

The power of determining to whom the privilege of citizenship shall extend in the respective

States has been vested, or rather was left untouched in the hands of the State Legislatures, with the single exception of the right of Congress to regulate the naturalization of foreigners or aliens. The power thus vested in Congress appears to be necessarily exclusive, and was probably intended to be so. With this diminution only of the sovereignty of the States in this respect, the original power inherent in every Government of determining the extent of the right of citizenship remains unimpaired in the States. It is worthy of remark that, while under the old Confederation, this power in the States extended to the naturalization of aliens, its exercise in some of them had produced serious complaints from the other members of the Confederacy. The adoption of aliens into our political families as citizens by the laws of one State, gave to that class of persons, by one of the articles of the Confederation, privileges of trade, and commerce, and immunities of citizenship, in the rest deemed by many to have been productive of serious inconveniences to their own citizens, and unreasonable interference with their separate interests. The power of extending the benefit of naturalization to aliens, was, therefore, in conformity with the other features of our Government, which were truly national in regard to its external relations, delegated to the General Government. With this exception only, the people of each State still retain and exercise the power of conferring upon all the various classes of persons within their respective State jurisdictions, such rights and privileges as to themselves shall appear most conducive to their interest, and most consonant to their own views of justice, equality, and good government. Whatever inconveniences may be supposed to result from the incidental operation of this power, in relation to the other States, must be attributed therefore to that principle of our Union, without which our National Government would retain as little perhaps of permanency as utility.

The description of persons disfranchised by the proposed constitution of Missouri, have been admitted to the rank of freemen in other States, and recognized as citizens. In the State of New York, for instance, they have in many cases more decisive characteristics of citizens, and enjoy greater privileges than a large class of the free white population, to whom none would deny the character of citizenship. Possessed of the qualifications for suffrage required by her State constitution, they exercise the electoral right of voting for the Executive and Senatorial departments, while a great portion of the free white population, not invested with the same qualifications, enjoy only the subordinate privilege of electing delegates to the House of Assembly, or are deprived altogether of the right of suffrage. As freemen of that State they are represented, even here, by the exercise of their electoral franchise, in virtue of their character as a portion of "the people of the several States," having the

"qualifications for electors of the most numerous branch of the State Legislatures." It would be no difficult task, by referring to the constitutions and laws of many other States, to point out the same recognition of this class of persons as free citizens; but a more decisive evidence of the soundness of this conclusion, is to be derived from the principles and practice of the National Government itself. The laws of the United States for the protection of American seamen from impressment have been construed (and without question of the correctness of such an interpretation) to extend to this class of persons. As "citizens of the United States," according to the terms of the act, they have uniformly received certificates of protection for their security against the violation of their rights. The impressment of persons of this very description, among others, contributed to our loud and just complaints against the violence of a foreign power. In the official returns of impressed American citizens heretofore formally communicated to this House, will be found many of this class. It was then justly considered that the oppression of seamen of this description, by the agents of a foreign Government, involved the violation of our national sovereignty.

To establish a doctrine in relation to this class of persons who have been thus recognized by different States as free citizens, which should deprive them of the benefit of this clause of our national constitution, would, in many cases deeply affecting their personal rights, be productive of peculiar hardship and injustice. Let us suppose that one of this class, in the State of Missouri, dying intestate, should leave the inheritance of his lands to his children, also free, but residing in Pennsylvania, and there invested with the rights of citizens. What power among us could rightfully be exerted consistently with the privileges secured by the Constitution of the United States, to deprive them of the enjoyment of such an inheritance? What principle of sovereignty reserved by our compact to the State of Missouri, could thus limit the operation of the supreme right of Pennsylvania to confer upon the citizens which she had adopted or recognized these privileges?

But the exercise of such a power by the Legislature of Missouri would not only thus defeat one of the greatest blessings of the Union, but might operate as a control on the power of the General Government itself. Let us consider the effect of a measure of this sort, of the Legislature of that State, in its operation on a personal right derived from the United States. I know of no impediment to persons of this description becoming purchasers of the public lands, and deriving title to them from others. In the case, too, of the distribution of the military bounty lands, patents may issue to persons of this class. Inseparably annexed to such a grant is the right of occupation; and can we successfully maintain a doctrine which might in this way indirectly render the State laws of

Missouri, if not paramount to the laws of the Union, at least effectual to defeat the rights created under them? From every view of this subject, the conclusion in my mind is inevitable, that the State of Missouri must yield up this assumption of power to the supreme control of the national constitution. The citizens of the other States must enjoy within her jurisdiction all the rights, privileges, and immunities of citizens, subject to no restraints or conditions not equally imposed on the citizens of Missouri herself. If the arbitrary (I mean not, despotic) distinction created in her constitution can be maintained, she might, with equal right, extend it much further, and deny to all citizens of other States who had not, for instance, reached the age of forty years, or who shall be born after her admission into the Union, the right of emigration to the State.

Mr. P. P. BARBOUR, of Virginia, took the floor. He had not expected, he said, to have engaged in this discussion to-day, and should necessarily, therefore, speak without preparation; but he promised the committee, that, in the few remarks which he should submit, he should observe every possible degree of brevity.

The subject now under consideration, he said, was one which had become painful to the nation, and, he feared, painful to the House. But it was one to be decided, and it was his most earnest wish that the decision should be such as to avert any possible evil foreseen by any of the gentlemen who had discussed the subject.

What, said Mr. B., is the provision of the constitution which has been referred to as being violated? It is, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." And this provision of the constitution was said to be contradicted by the constitution of Missouri, because a clause in the latter enjoins on the Legislature to pass such laws for the exclusion from the State of people of a certain description. To maintain this proposition, the opponents of Missouri would have to make out that the persons thus proposed to be excluded are citizens of the States. The member from Pennsylvania had yesterday told the House that he would not undertake to say what a citizen is. In that particular, Mr. B. said, in his estimation, the gentleman did not perform a duty which devolved on him. On whom, in this case, did the burden of proof devolve? We, said Mr. B., offer the constitution of a new State, formed under the authority of law. You oppose it, because you say it is incompatible with the Constitution of the United States. With what provision is it incompatible? With that which has been already stated. Did it not then belong to gentlemen who oppose the admission of Missouri to show, that those people whom she proposes to exclude are citizens, in the sense of the Constitution of the United States, before they asserted that the constitution of Missouri was irreconcilable with that of the United States

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

The gentleman from Pennsylvania would not say affirmatively what makes a citizen, but he said that, to constitute a man a citizen, it was not indispensable that he should have a right of voting. To make any reasoning conclusive, Mr. B. said, we must distinctly see, in the outset, what one side admits, and what the other denies. To know this was indispensable to a correct conclusion on any disputed point. Let us then inquire, said he, who are citizens? For, in his humble opinion, that point, which the member from Pennsylvania did not choose to discuss, lay at the root of this question, and its decision was unavoidable.

I will undertake, said Mr. B., what the member from Pennsylvania would not. I will define what is meant by the term citizen—what are the qualities which constitute citizenship. He might mistake, he said, in this position; but, according to the best lights he had, it was correct; and if so, it would seem to lead to a conclusion directly contrary to that drawn by the member from Pennsylvania. The term citizen, Mr. B. said, could not with propriety be applied to any one unless under these circumstances: that he should be possessed of all at least of the civil rights, if not of the political, of every other person in the community, under like circumstances, of which he is not deprived for some cause personal to himself.

If, said he, I am correct in this definition, let us proceed to apply it to the people who are the subject of this inquiry, and see how far their condition places them within the scope of it.

This, however, was not the view of the question which he rose for the purpose of presenting. In the view which he was about to take, he should proceed upon the supposition that the constitution of Missouri was properly before the committee for consideration, and that the true inquiry was, does this constitution contain, or not, any provision incompatible with the superior provisions of the Federal Constitution? It would be his endeavor to show that it does not. Whatever opinion he might entertain of the condition of the State, or of the powers of this House in relation to it, it did not impinge on the view that he should present, which admitted, for the opponents of Missouri, the position most favorable to them, that the constitution was now properly submitted for consideration, and for the examination of the question whether it contains any provisions in conflict with the Constitution of the United States.

Before he proceeded to do this, however, he said, he would dismiss the objections which might be offered to the definition which he had taken the liberty to give. It might be said, for example, that even in Virginia one white man is entitled to a particular right, while another is not. Still, Mr. B. said, his definition applied, because all under like circumstances had like rights. Show me, in Virginia, said he, or in any other State with the laws of

which I am acquainted, any white man who is deprived of the rights of other white men similarly circumstanced. *Every* white man of Virginia who has a freehold, votes. Females do not vote; but *all* females do not vote. *All* white persons in Virginia may sue and be sued; *all* are entitled to the great civil rights of personal liberty and the free possession and enjoyment of personal property. It was no objection, therefore, to the definition which Mr. B. had presented, that, in a community, there were distinctions, some having rights which others have not; because they were not in like circumstances. A young man under the age of twenty-one years cannot make a will; but *all* persons under like circumstances are subject to the same disability. A man above forty-five years of age is exempted from militia duty; but *all* above the age of forty-five are exempt. Show me an instance, said Mr. B., in any State in this Union, where, among white men, rights are enjoyed by some which are forbidden to others under like circumstances. It cannot be shown.

Is there, then, said he, pursuing the purpose of his argument, a State of this Union in which colored men have all the civil rights of any other citizens in the community to which they belong? He proceeded to examine the laws of the several States on this subject. In Virginia, a colored man—yes, even a slave, and of that class over whom it was supposed, by those unacquainted with facts, that so much tyranny was exercised—is secured against at least one undue degree of personal violence. The free man of color rises higher—to the dignity of the right to sue and to be sued, to acquire property, to make contracts. He was yet under one signal political disability—he is not allowed the right of suffrage; and under an important civil disability, not being allowed to give testimony in any suit in which a white man is a party. In North Carolina, persons of this description are indulged in the highest political privilege, the right of suffrage, and are yet deprived of the privilege of giving testimony in any case in which a white man is a party—a privilege which can only be wrested from a white man for some cause particular to himself. In Virginia, further, in regard to manumitted slaves, considering them as hostile to public peace, as the brand of discord between the whites and another class of persons, it was declared, by the law, that every manumitted slave should, within twelve months after the act of manumission, leave the State, or forfeit the rights he had acquired.

Mr. B. said he would not, as he might, go further into detail on this point: it was sufficient to say, in general, that free people of color are in all the States deprived of many of the rights of white men. Was there any State in the Union in which they were in the full enjoyment of civil rights? Mr. B. said he took some degree of interest in looking to the laws of Massachusetts in regard to this descrip-

tion of people, who, it had been said, enjoyed in that State an unqualified equality with the whites. But he found, on examination, it was otherwise. He found a penalty was imposed by a law of fifty pounds on any minister who marries a white with a colored person, and it was declared, that any such marriages should be null and void in law—and on what grounds? Not upon the ground of crime in the parties, carrying with it disability. Was it it not upon the ground of the disqualification of one of the parties to make that particular contract? How disqualified? Because of his color, certainly. The party may be of age—in the exercise of his sound senses; he may be able to make contracts in relation to property; but, in regard to marriage—in that particular in which, above all other things, we ought to pursue our own happiness, in our own way, he may not contract, but under certain circumstances, that is, with a person of color. Whom God has joined, let no man put asunder—but in old Massachusetts they do put asunder the colored person who intermarries with the white.

We find, then, said Mr. B., that in the East and North, as well as in the South and West, there are certain distinctions growing out of color. They are distinctions founded in the best good sense, in the preservation of public morality and of the dignity of our nature, and in the consideration that between the whites and the blacks there never can be an incorporation which is calculated to add to the happiness or elevate the dignity of either party. Mr. B. asked, in further illustration of the denial of civil rights, even in the Eastern States, to colored persons, whether a colored man had ever been known to sit on a jury? He was told not. This attempt to maintain a principle in theory, which was abandoned in practice, forcibly reminded him of an incident in Roman history. It was known that there was a long and severe contest in that republic between the patricians and the plebeians, in relation to a claim set up by the latter, of the right of being elected to the Consulship; and yet, after this pretension was acquiesced in, a century perhaps elapsed before any plebeian was actually elected. Was there any other State in this Union, Mr. B. asked, which had declared the free man of color to be equal in his civil and political rights to the white man? If so, he called on gentlemen to produce it.

There was a time, Mr. B. went on to say, when the man of color and the white man were not equal in any part of this country, even in theory. The population which came to this country from abroad were Europeans or the descendants of Europeans. They found the aborigines here, but, as far as they came from abroad, they were of European birth or descent. This other race, said Mr. B., got among us afterwards. I deeply regret that they did. When they came, they were slaves. He called upon gentlemen to show the words, in any of the State constitutions, which declare that a man

of color, become or born free, shall be elevated to the grade of the whites. He would refer, he said, to some clauses in constitutions on which he supposed gentlemen would rely to prove this; but he would show that those clauses would not bear them out.

Do you find it, said he, in the constitution of New York or Massachusetts, that free people of color shall vote? No; you will find that every male person or male inhabitant shall vote; and, under this clause, it is said that free persons of color have equal rights with the whites. If upon that construction, these persons are considered as citizens, who else are? Aliens are male persons. Were gentlemen prepared to say, that an Englishman or an Irishman, having a six months' residence, and being a free citizen, should have a right to vote at all elections? He would state a case yet more impressive, deriving an argument from the condition of certain unhappy remnants of the aborigines lingering out their wretched lives among the inhabitants of these States; there were some of those persons in Massachusetts and some in other States. Are they not free persons? Yet, do you suffer them to vote, or to sue and be sued? Do you receive them as witnesses? Are they entitled to those civil, much less those political rights, which are required to constitute them a part of the body politic? Was ever one of them a juror or a witness? Can they elect or be elected to any office? Can they hold property, except under regulations which are prescribed to them, and prescribed, too, by legislatures in which they are not represented? They cannot. What is the distinction between their case and that of the free people of color? They equally come into the definition of male persons and male inhabitants. Would any gentleman contend that Indians are citizens of every State in the Union, because they reside within any one of them? He presumed not.

It seemed to him, Mr. B. said, that, on a review of all the facts connected with this subject, it would be found, that free persons of color have been considered a nondescript class. In some States they have some civil rights; in others more. In some States they have some political rights; in others, none. It never had entered, he was persuaded, into the mind of any member of the Legislature of any State that they were citizens, under the definition which he had laid down. Had Virginia, he asked, violated the Constitution of the United States when she said that persons of color made free should depart her territory? He presumed no gentleman would contend that she had. If not, how could it be said, that she had a right to get rid of persons of that description already within her limits, and yet that she could not exclude a new torrent of that population attempted to be poured in upon her?

The member from New York had put to the committee a number of cases, all of which, Mr. B. said, if he mistook not, were susceptible of a

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

ready answer. It would be found, indeed, that most of them were but different statements of the same proposition, and at last depend on the application of a principle. Suppose, said the gentleman, one of these persons residing in New York to acquire a right to a patent to land in Missouri; and shall he be entitled to the fee simple, and yet not entitled to occupancy of the land? The gentleman would see, Mr. B. said, that the free negro of Virginia had the same right to acquire property in Virginia as the free negro in New York could have to acquire it in Missouri; yet, being by law excluded from the State, he could not occupy it. The gentleman's argument proved, therefore, that, *quo ad* the right of purchase, the free people of color had civil rights, but not that they have *all* civil rights. Could it be argued because they had one civil right, that they therefore have all? Might it not as well be argued, because a man has one political right, he therefore has all political rights?

With respect to the power of naturalization, the gentleman from New York had correctly stated that the States have a right to declare who shall be citizens thereof respectively. Ay, said Mr. B., have they so? Has not Missouri, then, the right to say who shall be entitled to citizenship within her limits? Or is she alone to be kept in a state of pupillage, and are we to say to her now, as gentlemen wished to have said to her at the last session, you shall not have all the rights enjoyed by the other States of the Union? If Missouri says that certain persons shall not be her citizens, has any other State a right to say such persons shall be your citizens, whether you will or not? Did not the right, the existence of which had been acknowledged by the gentleman from New York, involve a power of making its exercise effectual? It was idle to say that a State had a right to decide this question, and yet that other persons had a right to overrule that decision, and be its citizens whether it would or not.

Mr. B. said he knew that the powers of the States had been greatly abridged by constructions of the constitution. He feared they would be yet more so. But he hoped it would not be here contended, that the rights of a State shall be so far abridged as that it shall not have power to protect its own safety and its own morals. If a man afflicted with a pestilent disease approached the shore of a State, there was certainly a right to keep him off. If vagabonds and fugitives from justice infest a State, they may certainly be expelled from it. What was the consequence of such a preservative power? We in the Southern States, said Mr. B., consider this description of population the most dangerous to the community that can possibly be conceived. They are just enough devoted to have some sense of liberty, and yet not the capacity to estimate or enjoy all its rights, if they had them—and being between two societies, above one and below the other, they are in the most dissatisfied state. They

are themselves perpetual monuments of discontent, and firebrands to the other class of their own color. And if the time ever come when the flames of servile war enwrap this Union in a general blaze, perhaps we may have to look to them as the primary cause of such horrors. Has not a State, then, a right to get rid of them? They are not citizens in Missouri, and Missouri has as much right to say they should not be, as Massachusetts had to say that a black man shall not, within her limits, marry a white woman. Has not Missouri a right to send off beyond her limits persons of color when free? Virginia has done it, and Missouri must have the same right as Virginia. And here Mr. B. repeated his question, had Missouri a power to get rid of all the free people of color now there, and yet not the power to prevent others from going there?

When Mr. BARBOUR concluded, there seemed not to be a disposition in any person to rise.

Mr. SMYTH, of Virginia, said that he wished to present his views on the subject, but was not prepared to do so this afternoon. He therefore asked that the committee should rise, and ask leave to sit again.

The committee, however, refused to rise.

Mr. ARCHER, of Virginia, said, that he, too, wished to address the House on this question, but was prevented from doing so to-day by bodily indisposition.

Another motion for the committee to rise was negatived.

At length, however, after one or two more refusals, the committee rose and reported the resolution to the House; and, after several ineffectual attempts, a motion at length prevailed to lay it on the table.

SATURDAY, December 9.

Missouri—Citizenship of Free Persons of Color.

The House having resumed the consideration of the resolve declaring the admission of the State of Missouri into the Union,

Mr. A. SMYTH, of Virginia, having obtained the floor, addressed the Chair. He said that the Constitution of the United States contains a clause that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States;" and the constitution formed for the State of Missouri contains a clause, making it the duty of the Legislature of that State to pass such laws as may be necessary "to prevent free negroes and mulattoes from coming to, and settling in, that State, under any pretext whatsoever;" and it has become a question whether the clause in the constitution of Missouri is repugnant to the Constitution of the United States. He would attempt, he said, to show that there was no such repugnance.

The Constitution of the United States provides that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States. This can only apply to

citizens who are, in their own States, entitled to all the privileges and immunities of citizens. Can it be shown that free negroes are such citizens in any one of the States as are entitled to all the privileges and immunities of citizens? A citizen is he who is entitled to the freedom and privileges of the body politic, and has a share in its government. In Rome every citizen was enrolled in one of the thirty-five tribes, and, consequently, had the right of suffrage. When we apply the term "citizens" to the inhabitants of States, it means those who are members of the political community.

The civil law determined the condition of the son by that of the father. A man whose father was not a citizen was allowed to be a perpetual inhabitant, but not a citizen, unless citizenship was conferred on him. I consider him as a citizen of the United States, who is entitled to every personal right of a civil and political nature common to the great body of the political community. The distinguishing characteristic of a citizen of the United States is the possession of those capacities which a foreigner obtains by naturalization. Those are: 1st, a capacity to take a freehold; 2d, to vote at elections; 3d, to be elected, having the requisite qualifications of age, residence, and property. He who possesses these capacities is a citizen of the United States, within the meaning of the clause of the constitution under consideration; and he who does not possess these capacities is not. The free negro is not entitled to those civil and political rights in the United States, or in any State that adopted the constitution. Let the State constitution be shown, which declares the free negro to be entitled to all the rights of citizenship, or the code of State laws that places him on an equality in all respects as to privileges with the white citizen.

The Revolution found the negro in America a slave. Where are the acts or constitutions which have declared him a citizen, entitled to all the privileges and immunities of citizens of the United States? They have no existence. He is everywhere inferior to the white man, as well by the laws of the States as of the United States. In the State of Massachusetts, always foremost in the work of liberty, the free negro is under considerable disabilities—one of which is, that he is not enrolled in the militia. If he comes into that State from another, he must show a certificate from the Secretary of State of his freedom, or he will be seized and deported. In Delaware free negroes convicted of larceny may be sold. If one of them comes into that State from another, he forfeits ten dollars per week for the time of his stay, and if he does not pay the penalty he is sold. In Virginia the free negro has no political, and very few civil rights. He is forbidden to come into that State; and if he does come, he is seized and removed. In Ohio he is not permitted to vote, and in North Carolina, although he is allowed the right of suffrage, yet he, and his posterity to the third generation, are refused

the privilege of giving testimony in a court of justice, where a white man is a party. By the laws of the United States the negro is refused the privilege of being naturalized; and in the code adopted for the government of this District, (which is the laws of the adjacent States,) it is provided that, on the trial of a free negro for a crime a slave may be a witness; that a free negro may not marry a white woman; that it is criminal to employ him, unless he has a certificate of registry; that he may not keep or carry arms, and is punishable for lifting his hand against a white man; and by the law incorporating the City of Washington, passed by this present Congress, a colored servant is made liable to be punished by stripes for a breach of the ordinances of the city.

It is not every person who is born in a State, and born free, that becomes a member of the political community. The Indians, born in the States, continue to be aliens; and so, I contend, do the free negroes, where the laws have not otherwise provided. A savage cannot be a member of a civilized community; he is incapable of exercising political rights; and nature seems to have made the negro a perpetual alien to the white man. Slaves are aliens. Alienage was the first foundation of slavery. Citizenship belongs to the civilized freeman. It is for Congress to provide a rule of naturalization that may admit to the rights of citizenship the civilized descendants of Indians and Africans. The States have no authority to admit citizens. When Congress have refused to naturalize any free negro, can it be tolerated that the master of a negro slave should have power to make him a citizen of the United States, entitled to all the privileges of citizens in the several States?

Who, then, are citizens of the United States? I would answer, 1st, those subjects of Great Britain who, being entitled to all the rights and privileges of British subjects, became American citizens by the Revolution; 2d, those who were declared citizens, or naturalized by the States, previous to the adoption of the Constitution of the United States; 3d, European foreigners naturalized in conformity to the law of Congress; and I would add, 4th, the children born in the country of aliens, who were of a description that might have been naturalized. Since the adoption of the Federal Constitution, no State has had a right to naturalize an alien; and, therefore, I contend that no State can make citizens of its slaves; and that, if the father is incapable of naturalization, birth will not make the son a citizen.

The mass of mankind in this country may be divided into two classes—free people and slaves; but the class of free people includes many who are not citizens. The same mass may be divided into three classes—citizens, aliens, and denizens; the latter description of persons being those who are admitted to some portion of the rights and privileges of citizens, but not to all those rights and privileges. Such of the free negroes, in our country, as are not aliens, may

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

be denizens, but none of them, it is apprehended, are citizens within the meaning of the clause of the Constitution of the United States which is under consideration. The free negro who would claim all the privileges and immunities of a citizen in another State, must show a right to all those privileges and immunities in his own.

I shall contend, sir, that a State possesses the right of excluding from settling within its limits even the citizens of another State.

Has not every county and parish a right to exclude paupers and vagrants? May not every city and town exclude persons having infectious diseases, although they are citizens? If New York may exclude the citizens of Philadelphia when the latter city is visited with yellow fever, and if New York may do the same under the like circumstance, what gives to them this right? The right of self-preservation confers this right of exclusion. And if a town possesses this right of exclusion, founded on the right of self-preservation, does not a State possess it? May Virginia send 40,000 free negroes to settle in the State of Ohio, and has the latter State no power to exclude them? May Massachusetts or Pennsylvania send a few thousand of their citizens into Rhode Island and Delaware, there to exercise the privilege of suffrage, and thereby bring Rhode Island under the power of Massachusetts, or Delaware under the power of Pennsylvania? Some members may recollect that, not many years since, the citizens of Baltimore, of a certain political party, resolved to direct the elections of Annapolis, by hiring a number of men to go to Annapolis, there to remain six months, to qualify them to vote at elections. Might not the councils of a State be changed by the like means, if the State has no power to exclude intruders? Sir, every State has the right of self-preservation. If it is proved that a State has the right to exclude the leper from coming and settling therein, the construction contended for on the other side, that a State can exclude no citizen of another State, is overthrown. The health laws of every city and State refute the argument.

Usage expounds the law. The States possess the right of exclusion; for they have exercised it, and Congress has sanctioned the right. In the act of the last session for incorporating the City of Washington, power is granted to the corporation "to enforce the departure of such vagrants and paupers as may come into the city to reside, unless they give ample security, and to prescribe the terms on which free negroes and mulattoes may reside in the city." All powers not granted to the General Government are retained by the States. Have the States granted to Congress their power to exclude dangerous persons from settling within their limits? I do not find that they have granted this power to Congress.

I shall contend that whatever be the just interpretation of the clause of the Constitution of the United States under consideration, it

ought to be submitted for investigation and determination to the Judiciary. There are many parts of the constitution which are addressed particularly to Congress; such are all those giving power to Congress, or to the Government of the United States, or to any department or officer thereof. There are other parts of the constitution which are laws formed by the people, and addressed directly to the Judiciary. Those parts require no legislation by Congress; the constitution being the supreme law. The clause under consideration is one of them; it vests no power in Congress; it calls for no legislation; it confers privileges and immunities on individuals; Congress cannot diminish or increase them; what are they the Judiciary should decide.

The clause in the constitution of Missouri is not a law in itself, as is the clause of the Constitution of the United States to which it is said to stand opposed. It directs that a law shall be passed. I venture to predict, with confidence, that no law will be passed in pursuance of this direction, by the Legislature of Missouri, that will contravene the Constitution of the United States. The members of the Legislature of Missouri will be sworn to support the Constitution of the United States; they will not be sworn to support the constitution of Missouri, and they will know that their acts contrary to the Constitution of the United States, will be void. They will, therefore, give to the constitution of their State, a construction consistent with the Constitution of the United States.

When Mr. S. had concluded—

Mr. Strong, of New York, said, the magnitude and importance of the subject under consideration must be his apology for claiming a small share of the attention and patience of honorable members, while he submitted the reasons for the vote he was about to give. I shall endeavor, said he, to be brief and plain in what I have to say.

The people of the Territory of Missouri were, by a law of Congress, authorized to form "a constitution and State government, provided that the same, whenever formed, should be republican, and not repugnant to the Constitution of the United States." They have formed a constitution, presented it for the approbation of Congress, and asked admission into the Union. If it violates the plain provisions of the Federal Constitution, ought it not to be disapproved, and the resolution under consideration be rejected? The constitution of Missouri contains, among other things, this remarkable clause—"It shall be the duty of the Legislature to pass laws to prevent free negroes and mulattoes from coming to, and settling in, the State, under any pretext whatsoever." Here permit me to remark that the authority is express and positive, and is in restraint of personal liberty, and of the means of contesting personal rights. But are the persons here described citizens of the United States, or of a State, or of both, or of neither?

If citizens, then the repugnancy is plain and palpable. But the honorable member (Mr. SMYTH, of Virginia) on my right, who has just resumed his seat, has attempted, ingeniously, to prove, that free negroes and mulattoes are either aliens, or denizens, and consequently not citizens.

The honorable gentleman will pardon me for differing from him. I cannot assent to the proposition that this description of persons are aliens. An alien is one who owes allegiance to some Government other than that under which he lives. Allegiance to a foreign power enters into the very essence of the term alien. To what foreign power, or to what Government, other than that of the United States, do these persons owe allegiance? If to none, then what are they, if not citizens? But if they are not aliens, it is insisted they are denizens. Is it so? No one can be a denizen who has not been an alien. Denization is the modification of alienage. But Congress can pass laws of naturalization only, and not of denization. It would seem to follow, therefore, that these persons cannot be denizens.

He has argued, too, at some length, to prove that a State possesses the right, not only of banishing her citizens, but excluding from her limits paupers, lepers, and persons infected with pestilential diseases; and hence inferred that each State might exclude all the citizens of the other States; and, consequently, that Missouri had a right to prohibit free negroes and mulattoes from coming to, and settling in, Missouri.

I have never understood that a State, town, or city, could prevent the admission of a pauper as such. In many of the States, and I do not know but in all of them, a pauper may be removed if likely to become a public charge; and every person, whether pauper or prince, may be prevented from gaining what the lawyers call a legal settlement.

That a State may banish for crime, and guard herself against pestilence, need not be denied. The rights and privileges of peaceable, unoffending citizens, for whom we are expounding the law, do not depend upon the principles which determine the disabilities and punishment of criminals. Because a State can banish a traitor, does it follow that she can deport every or any harmless, unsuspected citizen? Because Pennsylvania may exclude from the city of Philadelphia persons infected with the leprosy or the plague, can she, therefore, exclude all the officers and troops of the Federal Government?—or any uninfected, peaceable citizen of any State or place? If not, Missouri remains undefended. She must seek some other mode of justifying the exceptionable provisions of her constitution.

The general proposition has been urged by the honorable member, (Mr. SMYTH,) that, if any clause in the constitution of Missouri be repugnant to the Constitution of the United States, which is the supreme law of the land, such clause is utterly null and void. This is

true in law, not in fact. But, shall we sanction a wrong, which, until remedied, we know will produce injustice and evil? This constitution is submitted to us. For what purpose, unless it be for our approbation? If this submission and approbation are necessary, can it acquire the force and effect of a law, until Congress has approved it? But if approved and put into operation, when, by whom, and how are its repugnant provisions to be adjudged null and void? I think one must have some skill in the cultivation of chances to determine. This proposition proves too much. It proves that every law or other matter, which requires the revision and sanction of Congress to give it validity, may be passed with impunity, our oaths to the contrary notwithstanding, however flagrantly it may impugn the Constitution of the United States.

I am entirely opposed, sir, to remitting this matter to the Judiciary. Why send it to the Judiciary for adjudication? It may be years or ages before it reaches that tribunal. In the mean time, hundreds of American citizens may be deprived of their rights, oppressed, and persecuted. Who is to take their part? It requires money and friends to regain lost rights. Many sound objections have been urged by those who have preceded me against this inference. I shall content myself with stating one further objection. It is this: A free negro or mulatto of the District of Columbia may take and hold real estate in Missouri. This, I think, will not be denied; and, to make the case the stronger, suppose he derives the title to his land directly from the United States. Now, by the constitution of Missouri, he is not only excluded from the possession of his land, but is prevented from coming into the State and contesting his claims in the courts there, and the doors of the Federal courts are barred against him. They cannot entertain his claim and afford him relief, because he is not a citizen of a State. How is this to be answered? Or is the sufferer to be turned off remediless? And will you thus permit individual wrong to accumulate? Or will you rather prevent it, by staying the operation of the only cause which can produce it?

Are our free negroes and mulattoes citizens? This is a deeply interesting question, both as it respects them and the nation. The report of the committee seems to admit that some of them are citizens, because it says that a large class of them "cannot be considered as citizens of any State." The honorable members (Messrs. BARBOUR and SMYTH) from Virginia deny that they are citizens. But the gentleman (Mr. BARBOUR) from Virginia, who first spoke, will permit me to say, that I think his definition of a citizen proves too much; for it proves that the Jews of Maryland are not citizens of Maryland, although their fathers and their ancestors have resided there since the days of Lord Baltimore. A definition may destroy a right, but never can create a right. Facts, and experience in politics and morals, are better than definitions. What,

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

H. OF R.

therefore, are some of the peculiar and distinctive characteristics of a citizen of a State? They are, the right of passing, freely and unmolested, from town to town, and place to place, within the State, and the right of residing, at pleasure, in any part of the same. That these rights belong to every one entitled to the high privilege of a citizen, I think will not be denied.

But these rights are also common to all free persons, of every age and sex, within the State, except aliens, lunatics, vagabonds, and criminals; because their possession and exercise are indispensably necessary to the social relations of life, and to the preservation of the State. Indeed, vastly the greatest proportion of the citizens of a State have no other external mark of their citizenship. Females and minors cannot be elected to office, or vote, or sit on juries, or be subjected to taxes, as a general rule. These persons enjoy the privilege of citizenship, and the immunity of the laws of the State, to which they must demean themselves, as completely as the man who has, in addition, the qualification of a voter, or a jurymen. What, then, is the meaning of that great clause in the Federal Constitution, which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States?" This has been called the basis of the Union. As I understand this clause, it does away the disability of alienism. Without it, the citizens of each State would be aliens to every other State, and could not, of right, enter another State without a passport. It confers the same common privileges and immunities upon the citizens of Maryland, for instance, in reference to the United States, as the citizens of Maryland possess in reference to that State. Hence, a citizen of Maryland may pass into and about the State of Virginia, and reside there, subjecting himself to the laws of Virginia, as he was bound to do to the laws of Maryland; because in Maryland he possessed these rights, and owed this obedience. But it does not follow, nor is it at all necessary, that because he was a voter or a jurymen in Maryland, he must be either the one or the other in Virginia. If this reasoning be correct, then these essential rights of citizenship are secured, and each State left in full possession of its obligation and powers to protect its peaceable citizens and defend itself against violence and crime.

When Mr. Stronge had concluded—

Mr. NELSON, of Virginia, moved that the resolution be recommitted to the Committee of the Whole on the state of the Union.

The question being taken thereon, it was determined in the negative—yeas 73, nays 90.

The question was then stated, shall the resolution be engrossed, and read a third time? And debate arising thereon, the House adjourned.

Maine, late a part of the State of Massachusetts, JOSEPH DANE, elected to supply the vacancy occasioned by the resignation of John Holmes, appeared, was qualified, and took his seat.

JOHN A. CUTHBERT, from the State of Georgia, also appeared, and took his seat.

Missouri.

The House then resumed the consideration of the resolution declaring the admission of the State of Missouri into the Union.

Mr. AROHER, of Virginia, said, that, having had some share in protracting the trial, to which the patience of the House was to be subjected, in the debate, he owed it the atonement of making his trespass as brief as possible. His inducement to trouble the House at all, grew entirely out of the circumstances of views having been stated in support of the resolution, in which he could not concur, and to which he should be considered as assenting if the grounds of his vote were not explained. The delicate relation of the question, however, to the slaveholding States, would furnish sufficient excuse to any member coming from that quarter of the Union, for wishing to bestow on it the fullest examination.

Mr. A. proceeded to remark that, whilst he utterly disclaimed the consequences which had been inferred from it, he was by no means prepared to contest the right of the States to admit the colored person, born within their respective limits, to the privileges of citizenship. The States had delegated, in relation to this subject, only the power of naturalization, the operation of which was known to extend only to persons born beyond the limits of the community, by whose authority it was exerted. The collateral connected power of determining the right and condition of admission to the privileges of citizenship, as respected persons born within their respective limits, could not, then, be denied to the States or abridged in its exercise, without a construction which might equally be employed to divest every other reserved right, and to dismantle every safeguard to be found in the constitution. We had been told, indeed, that the exercise of this right in relation to colored persons, could not be considered as contemplated by the Constitution of the United States. Supposing it were not, the rights of the States did not depend, for their validity or exercise, on the recognition of the Federal Constitution, which, in its true character, was no more than the source of the limitations on them; nor had the advance of encroachment yet reached a construction, by which the security of these rights would not simply be impaired, but their independent existence absolutely subverted. The mode, too, of the derivation of the inference which excluded the exercise of the right in question, was as little warranted as the source of its derivation. It was derived, not from any thing in the language of the constitution, but from the peculiarity of the circumstances of some of the parties to it,

MONDAY, December 11.

A new member, to wit, from the State of

which were supposed to preclude the intention to allow such an exercise of right. This was not a case, however, in which a resort of this kind was admissible, for the ascertainment of intention. Where language was of doubtful import, this resort might be admitted with little danger, because there was a limit to the possible variety of interpretation of which language was susceptible. But where there was no doubt arising in the interpretation of language, nor any language on the subject of doubt to be interpreted, the allowance of a resort to the circumstances of parties, to an instrument for the ascertainment of its purport, would be admitting the supply, and not the explanation of an intention. To such a principle of substitution and enlargement of the operation of instruments, there was evidently no limit short of the exhaustion of ingenuity. It was better to admit any defect whatever, in the constitution, than a liability so indefinite, to *accretion and metamorphosis*.

The objection to the recognition of the right in question was founded in an entire misapprehension of the consequences of its exercise. It had been supposed that if the right were admitted, it would follow that colored persons, emigrating from a State in which they were allowed the privileges of citizenship, to another in which they were excluded from these privileges, would become entitled to all privileges of this character in the State to which they removed, notwithstanding the exclusion. Such an inference was founded on a view which was altogether erroneous of the operation of the first clause of the second section of the fourth article of the Constitution of the United States, assuring a reciprocity of privileges to the citizens of the several States, respectively. That clause, like every other, in that or any other instrument, must receive a construction which would not violate reason; which would not carry the operation of the clause beyond the intention which dictated it, and which would render its operation consistent, if possible, with the established rights of other parties. All these incontrovertible principles of interpretation would be violated by the construction which had been supposed. If persons removing from one State to another were to be considered as becoming entitled, under the operation of this clause of the constitution, to all the privileges of citizens of the State to which they removed, and were not restricted to the privileges accorded to persons of the same class and description with themselves, then the anomaly would be presented of a foreign co-ordinate legislation, exerting a more efficient operation in the States than their interior legislation, and of their legislation exerting in relation to the same subject, a more efficient operation abroad than it could at home. A construction involving such consequences was absurd. Clauses were to be construed in consistency with their intention. What was the intention of this clause? The States, by the adoption of the

Federal Constitution, became, to a certain extent, members of one community. It was an incident essential to the secure enjoyment of the advantages of this community, that they should be restrained from any power of inimical regulation as respected the right of removal from one State and settlement in another. This was the design of the clause in question; not to inhibit to the States nor to restrain the power of regulation, as respected the conditions of the enjoyment and exercise of the privileges of citizenship, an essential, indefeasible portion of self-government; but to inhibit any power of regulation on this subject, to be directed exclusively against citizens removing from other States, any exercise of inimical discriminative regulation. The discretion was left unimpaired to adopt regulations affecting either the indigenous inhabitants or those removing from other States, provided these regulations were not rendered restrictive and peculiar in relation to this last description of inhabitants. Under this limitation the reserved power of the States was unsusceptible of employment to any serious or injurious counteraction of the social design of the Federal Incorporation. This construction had the advantage of reconciling the rights of the States with the clause of the constitution in question, affording to each ample and uninterfering scope for operation. Any opposite construction led to the wildest and most unredeemed absurdities. No one could conceive it to be the design of the constitution to communicate to persons removing from one State to another, privileges larger in number or value than they had previously enjoyed; yet, under the construction which was combated, such persons might not only acquire an increase of privileges, the privilege of suffrage for example, but blacks from abroad might acquire privileges to which indigenous whites were not entitled. Women, in one of the States, (Jersey,) were, or had formerly been, admitted to all the privileges of citizenship, that of suffrage inclusive. Under this construction, women, in States where there was a qualification on suffrage, as in Virginia, might become entitled, by migration, to privileges from which a large proportion of the indigenous white males were excluded. Constructions of this kind were no subjects for discussion. Persons, by removing from one State to another, did not, therefore, acquire any further or greater privileges than were the allotment of the indigenous inhabitants of the same class and description.

Another consequence which had been imputed to the clause of the constitution under review, fell with that which had been examined. It had been imagined that, under the operation of this clause, colored persons, emancipated on a condition of removal from one State in which they receive their emancipation, might be returned upon the emancipating State in the character of citizens. The validity of this interference was excluded by the remarks which had been stated. It was equally excluded by other

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

and independent considerations. The condition of emancipation alluded to, would labor, at the time of its adoption, under no defect of validity, as presenting no conflict with any provision of the Federal Constitution.

It could not, then, be brought into conflict, and rendered invalid at any posterior time, or by any act of an authority not superior to that of the party imposing it, and which was no party to the compact in which this condition was comprehended. Yet, if the inference above referred to were just, this condition, the creation of a competent authority, and the consideration of a benefit to the party accepting it, would be liable to invalidation by the posterior intervention, not of a superior, but an extraneous and merely co-ordinate authority; and be liable not simply to invalidation, but to be converted to an instrument of injury and abuse to the party who had made it the subject of stipulation. An inference of this kind had only to be represented in its true character to be disclaimed.

The endeavor had been made to show that there was nothing in the clause of the Constitution of the United States, which had been quoted, which could be construed as prohibiting the State governments from subjecting persons removing from other States to any restrictions as respected the privileges of citizenship which it was thought proper to extend to indigenous inhabitants of the same class and description. The power of the States would be found, upon further inquiry, to extend to a point beyond this—to the capacity of prohibiting the ingress of citizens of other States, provided the exclusion were for causes affecting the individual merely, and not the class: that is to say, provided the exclusion operated by what, in the technical language of the law, would be denominated *descriptiorem persona*, or for causes accidental in their access, and liable to removal. Thus, it would not be denied that a State might exclude citizens of other States, for contagious disease, by quarantine regulations; that it had competency to exclude for crimes, or to exclude paupers liable to become burdensome by regulation of police. What was the reason of the competency of exclusion in these cases? The reason had already been stated, the necessity of giving to the clause of the Federal Constitution communicating the privileges of citizenship, a construction which would reconcile its operations with the reserved essential rights of the States. There could be no danger of abuse from this construction, as long as its principle was not transcended, which required that the exclusion should be for cause affecting the individual, and not the class. Mr. A. went on to say, that perhaps a just application of the principle of exclusion, which had been now stated, might be considered as authorizing the slaveholding States to prohibit the entry and settlement among them of colored persons from other States, inasmuch as it was known that the peculiar circumstances of their population tended

to communicate to the admission of persons of this description a character of mischievousness worse than that which would attach to the admission of pauperism, and as bad as that which would attach to the admission of criminals and disease. Mr. A. said that he did not mean, however, to push the argument to this extent. It was not necessary to his purpose to do so. Perhaps it would not be fair, as the exclusion might be said, in these circumstances, to be denounced for a cause not personal, that is to say, accidental to the excluded object; or which, indeed, was not to be considered as residing so much in the excluded object, as in a peculiar condition of the community from which the object was proposed to be excluded. All that it was now designed to show was, that, notwithstanding the sweeping operation which had been attributed to the clause of the Federal Constitution, which had been adduced in the debate, the exercise, under certain circumstances, of a power of exclusion by the State governments, as respected the citizens of other States, was in perfect consistency with that operation.

If it was the wish of any of the States to have colored citizens, Mr. A. said that he felt neither wish nor authority to derogate from their right to do so. The proposition he denied was, that such citizens could be imposed on other States, who had no participation in the wish. In the lapse of time it was possible that the period might arrive, when, from the excessive multiplication of the mixed race, some of the slaveholding States might conceive themselves required, by considerations of policy, to admit this description of persons to a qualified or absolute enjoyment of the privileges of citizenship. Without pretending to express any opinion that such a period would arrive, Mr. A. could not, in the event of its occurrence, consider the competency of the State to exercise the power as a subject of question. The demarcation of color, importing a discrimination not simply of complexion, but blood, was too indefinite to be admitted as a limitation on State right. In all the slaveholding States, in a certain stage of intermixture, the legal distinction ceased. If the State right were confined in the mode supposed, there was no competency to assign the limit of this distinction.

He was not unaware, Mr. A. said, that the language he had been holding, of guarded respect for State rights, had been for some time going out of fashion. It was but too obvious to remark, that the essential defences of the States were rapidly giving way before the steady and powerful current of Federal authority. This circumstance only rendered more imperative, however, the duty of using every endeavor to sustain even the feeblest of these defences. The scope of public duty under a free constitution was peculiar. Its first object was the support of the constitution. How was this to be effected? Not by carrying one principle victorious over every other, but by sustaining the balance between the various and

conflicting principles which made up the composition of a free constitution. And how was this secondary incidental object to be effected? By enlisting on the side of the principle which, in the progress of the conflict, had been found to decline and become the weakest. It was upon a consideration of this sort, that Mr. A. thought the maintenance of the rights of the States, even in matters which bore the appearance of being immaterial and indifferent, ought to form a primary object of solicitude and effort.

The purpose of the remarks which had been submitted, was to show what Mr. A. conceived to be the just construction of the very delicate clause of the constitution, assuming a reciprocity of the privileges of citizenship to the citizens of the several States, which had been so much referred to in the discussion. It had been seen that the recognition of the right of the States to admit colored persons to the privileges of citizenship, involved none of the abusive consequences which had been ascribed to it. The inquiry material to the present controversy next arose, whether any of the States had ever exercised the right; whether there were citizens of this description to be found in any of the States? Mr. A. thought that, upon due inquiry, it would be found there was no one of the States in which this class of persons could be fairly considered as assignable to the rank of citizens. He did not found this conclusion on any definition which had been, or, as far as appeared to him could be, given of the constituents or criteria of citizenship. He admitted that any definition which could be assumed upon this subject, must be regarded as gratuitous, and could, therefore, serve as the foundation of no conclusion. He admitted that there was no definition which would apply, under every circumstance. He thought that the only description which could be adopted, must be analogous to the definition which civilians gave of municipal law—"the rule which each State had prescribed to itself." But although there was no affirmative definition of citizenship which could be regarded as of invariable application, there was negative test which appeared to Mr. A. to be conclusive. Citizens might be admitted in various degrees to the exercise of political rights. They might even be admitted in various degrees to the enjoyment of civil rights. But those could not be considered as belonging to the rank of citizens, who, not by the mere operation of usage, but the positive enactments of law, were everywhere excluded from an equality with even the lowest rank of citizens, as respected the ordinary and most essential relations of domestic and social life. But this was the fact in relation to colored persons, as Mr. A. believed, in every State in the Union, without exception. Colored persons, as has been stated by his colleague, (Mr. BARBOUR,) were in no part of the Union permitted, by law, to contract with white persons that engagement, the liberty to contract which was the inseparable incident and criterion of a con-

dition of social equality. He alluded to the engagement of marriage. How could persons be said to belong to the same class who were everywhere prohibited by law from the contraction of any relation of intimacy, and from association, on the basis of social equality? It was from the influence of this consideration, and not from any concurrence in various other views which had been stated, that Mr. A. derived his conclusion that colored persons could, in no part of the Union, be assigned to the rank of citizens.

But, suppose that these persons could be assigned to this rank in some of the States of the Union. Admit that there were citizens of this description. Ought the clause of the constitution of Missouri, to which objection had been taken, to be considered as operating upon such of these persons as were citizens? Mr. A. conceived that it ought not, upon the established maxim of interpretation, which had been stated by his friend from South Carolina, (Mr. LOWMEDE,) that where instruments presented the appearance of conflict, a construction was, if possible, to be adopted, which would reconcile their operation. If there were colored persons who belonged to the class of citizens, there was, notoriously, a much larger class who did not belong to this description, on whom the clause in question might be considered as operating without the involvement of any breach of the Federal Constitution. There was a distinct peculiar reason for the adoption of this construction. The term "free negroes and mulattoes," on which the doubt in the present case arose, had acquired in the South and West an import perfectly precise, and as it might be said technical, denoting a class who were invariably excluded from the privileges of citizenship. To restrict these words in the clause of the Missouri constitution to this sense, was doing no more than was required by another established rule of the construction, confirming the words to their ordinary and received signification. There was neither force nor liability to abuse in this interpretation, because the import of the language was not enlarged so as to be made to embrace something which it did not properly comprehend, but was restricted. It was another established rule that in cases of doubt, the most mitigated construction was to be adopted. "In obscuris quod minimum est querimur." But, in the present case, it also happened that the most mitigated was, at the same time, the usual and most received signification of the words to be construed. All that was asked, was, that the language should not be distorted from its customary and appropriate import, and a description applicable to, and designed for an inferior class of persons, be stretched to comprehend a higher class, in contravention of one of the most familiar maxims, that "minor non continet major." Cases analogous to the present might be easily stated from the constitution. Mr. A. instanced the case of imports which the State were forbidden to lay

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

unless with the consent of Congress, or for a special purpose. If Massachusetts, who was now engaged in the formation of a new constitution, were to insert a provision granting a power to her Legislature to lay imposts, would any court or reasonable man refuse to this clause a construction restricted by the competency of the State, and consistent with the prohibition of the Federal Constitution?

One word as to the consequences of the proceedings which might now be adopted. One gentleman had said, that no consequences of unpleasant character could be anticipated; and another, that the consequences, whatever they might be, were not to be taken into consideration. Both gentlemen were mistaken. Whatever might be the real views which would dictate the rejection of the resolution under discussion, this rejection, in the present state of the public mind, would be liable to be ascribed to the policy of re-attempting the imposition of the slavery restriction of last year. In the best event, then, the wound inflicted on the harmony of the country would be incurable. But, if the policy imputed was really to be acted on, every man must perceive that the Union was gone. Gentlemen might conceive that they were sowing the seeds of sectional influence and importance, but they would, in fact, be sowing a crop like the dragon's teeth, which would spring up in civil discord, and armed men, destined to perish in unnatural warfare, by a mutual destruction. It had been remarked the last year, that a gulf, similar to that which we read of in the early history of Rome, had been opened among us by the discussions on this subject. There was one circumstance, however, of favorable distinction. The chasm which was said to have occurred in Rome was only to be closed by the sacrifice of her most precious possession. But the chasm which had occurred in our harmony, required to heal it, only the most worthless of all sacrifices, that of our passions, or of what, in their application to human affairs, were the next most pestilent things to vile passions—our abstract and speculative notions. In what he had been saying, Mr. ARCHER disclaimed any intention of employing the language of menace, which would be suitable neither to his character, nor to that of the place in which he stood. His purpose was to express his sincere views of the possible consequences of the measures which Congress might adopt in relation to this important subject. The train had already been prepared by antecedent events and discussions. It now only required to be fired to produce effects which it would be equally impossible to avoid lamenting, or to repair. Mr. A. would add only a single remark. It was that, in the event of the real occurrence of the effects to which he had been alluding, their authors would stand chargeable with the greatest crime which had ever been committed against the interests of human nature, inasmuch as they would have led to the destruction of the most

persuasive model of free institutions, and the overthrow of the most imposing promise of splendid destinies, which the world, in any age of it, had ever seen.

When Mr. ARCHER had concluded—

Mr. HILL, of Massachusetts, moved an amendment, qualifying the assent of the admission of the new State into the Union by an exception of a particular clause of the constitution. This motion, however, was withdrawn by Mr. HILL for the present, on the representation of Mr. LOWNDES, that it would embarrass the main debate, by bringing on an incidental one, and would deprive him of the opportunity of replying to some objections he had not anticipated, and to others arising from a misapprehension or evasion of his first arguments in support of the resolution.

Mr. BALDWIN then moved to strike out the preamble to the resolve.

Mr. LOWNDES assigned briefly the reasons why, on more mature reflection, he should assent to this course, though he had at first preferred the other.

The question being taken on striking out the preamble, was decided in the affirmative—87 to 65.

Mr. HEMPHILL observed that the subject before the House, in its various relations, had occupied so much of the time of Congress, that it was becoming in him to make an apology for rising, and to promise, at the least, to be as brief as possible. He said he would make no exordium, but engage at once on the merits of the question.

The constitution of Missouri, as transmitted to Congress, enjoins, in the most positive manner, and makes it the unqualified duty of the Legislature to pass, as soon as may be, such laws as may be necessary to prevent free negroes and mulattoes from coming to, and settling in, the State, under any pretext whatsoever. If these free colored people are embraced in the second section of the 4th article of the Constitution of the United States, it is most clear and manifest that the constitution of Missouri is a direct infringement of the Constitution of the United States, and repugnant to it.

The section in the Constitution of the United States to which I have alluded, declares that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. The main question, according to my conception of it, involves but this single inquiry—Are free negroes and mulattoes, or any of them, citizens of the United States? The report of the honorable committee, as I thought, admitted the fact of citizenship; and this circumstance led me from making any examination on that point, until the gentleman from Virginia (Mr. BARBOUR) yesterday assumed the broad ground of denying the rights of citizenship to any free black or mulatto man. He has endeavored to give us a definition of a citizen of this country; and although

I acknowledge that the gentleman's reflections on the subject were ingenious, I cannot give my assent to their accuracy. He supposes that a citizen means a person who is entitled to all the civil rights of others in like circumstances, unless deprived of some of them for personal reasons. He then proceeded to show that discriminations existed, in a variety of instances, and in different States, between the white and black people; but this definition cannot be a good one, unless he is capable of proving that, among citizens, a majority have no right to make any such discriminations. What is there to control the will of the majority, when it does not come in collision with any higher power?

Discriminations are familiar to us, in the several States, both as to political and civil rights; but it never was believed that they effected a total extinguishment of citizenship. Some citizens are entitled to vote, and others are not. Some are exempted from serving in the militia, or on juries, for various reasons; and this throws an unequal burden on the rest of the community. Paupers are not allowed even to choose the place of their residence. In some cases, whole professions are distinguished from others; as, for instance, when ministers of the gospel are made ineligible to office. Provisions of this character are contained in several of the State constitutions; I will, however, only read a clause or two on this subject, from the constitution of Tennessee:

"1. Whereas ministers of the gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions, therefore, no minister of the gospel, or priest, of any denomination whatever, shall be eligible to a seat in either House of the Legislature.

"2. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State."

The latter description of persons are citizens, although their infidelity afflicts them with a much deeper misfortune than to be distinguished from the white people, merely by the circumstance of color. Females are also citizens, but they by no means fall within the given definition, particularly in the sense in which it is intended to operate on political rights.

The gentleman has put many cases in illustration of his definition. It is unnecessary to refer to each case—I will select two only, on which I am desirous of making a few observations.

The first is on an argument deduced from a law in the State of Massachusetts which, in the opinion of the gentleman, seemed to be entitled to peculiar force, as being the offspring of a State so celebrated in espousing the cause of this race of people. It is a law by which marriages are forbidden between the white and the black people; but if this circumstance proves any thing, it proves too much, because it equally abridges the rights of both, and the argument destroys itself; for if, on that account, a black

person is not a citizen, how can the white person be a citizen? And besides, it will be found, by an inspection of the law, that the penalties or fines are imposed only on the white people.

The other case stated is, that the black people are exempt from serving in the militia. But I do not consider this as a deprivation of a right: it is a privilege, and is so esteemed, when the indulgence is granted to persons advanced in age. The colored people might be compelled to form in companies by themselves, so as not to be the associates of the white soldiers, as was the case in the Revolutionary war. I have taken this brief notice of the definition, by endeavoring to show its inaccuracy when applied to the complex system of our Federal Government.

We shall arrive with more safety at the knowledge whether any free black people are citizens or not, by considering their acknowledged situation in a general point of view. And, at this stage of my remarks, I beg the House to recollect that, previous to the adoption of the Constitution of the United States, each State had the unquestionable right of saying who should compose its own citizens; and if, at the adoption of the Constitution of the United States, free negroes and mulattoes were citizens of any one State in the Union, the Federal Constitution gave to such citizens all the privileges and immunities of the citizens in the several States.

I have examined the constitutions of the several States, and there are but seven or eight that, in terms, exclude the colored people from voting. In these constitutions the right of suffrage is confined to white persons; but this affords a very forcible argument that it was the opinion of the members of their convention, that black people should have been included under the general term of citizens.

In the Kentucky constitution, the understanding of the convention appears plain. The words are, "Every free male citizen, (negroes, mulattoes, and Indians, excepted.)"

Under the old constitution, in Maryland, this description of people voted; but the general terms were changed, by the present constitution of that State, to every free white male citizen.

In North Carolina, I understand that they still vote at elections. In Pennsylvania, there have been instances of their voting, but they are seldom. In several of the New England States they exercise this right, and did so in choosing the delegates who formed the Federal Constitution. In Massachusetts, and in the State of New York in particular, they enjoy the acknowledged and uninterrupted right of suffrage; and the constitutions of these States are both antecedent to the Constitution of the United States. The question might be very safely rested on the correctness of the opinions entertained in these two respectable States on the subject. The situation of the black people in these States was known anterior to the Revolution, and at the time of the acknowledgment of

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

our independence; they were of course the best capable of judging, and were the only persons who had the right to judge whether these free people were embraced in the general terms of their constitutions.

When our different constitutions were formed, this class of people lived among us, not in the character of foreigners; they were connected with no other nation—this was their native country, and as dear to them as to us. Thousands of them were free born, and they composed a part of the people in the several States. They were identified with the nation, and its wealth consisted, in part, of their labor. They had fought for their country, and were righteously included in the principles of the Declaration of Independence. This was their condition when the Constitution of the United States was framed, and that high instrument does not cast the least shade of doubt upon any of their rights or privileges; but, on the contrary, I may challenge gentlemen to examine it, with all the ability they are capable of, and see if it contains a single expression that deprives them of any privileges that is bestowed on others.

They have a right to pursue their own happiness, in as high a degree as any other class of people. Their situation is similar to others, in relation to the acquirement of property, and the various pursuits of industry. They are entitled to the same rights of religion and protection, and are subjected to the same punishments. They are enumerated in the census. They can be taxed, and made liable to militia duty; they are denied none of the privileges contained in the bill of rights; and, although many of these advantages are allowed to a stranger, during his temporary residence, yet in no one instance is a free native black man treated as a foreigner.

When they enjoy all these rights, civil and religious, equally with the white people; and when they all flow from the same constitutions and laws, without any especial designation or reference to them, I have a curiosity to learn upon what principle any right can be singled out, as one of which they are to be deprived.

I appeal to the public transactions in this country, to the different constitutions, and to the laws, for the correctness of this position; that, whenever exceptions are intended to be made in regard to this class of people, that it requires express provisions for the purpose. It is said that they are not witnesses in some States; but it requires a particular law to render them incompetent to give testimony.

As citizenship has not been defined in any of the conventions, or by any of the wise assemblages of men in this country, it would be rash in me to attempt to give any thing like a confident definition; but, if being a native, and free born, and of parents belonging to no other nation or tribe, does not constitute a citizen in this country, I am at a loss to know in what manner citizenship is acquired by birth. This would be broader than necessary for the present occasion, as it would exclude the children

of manumitted slaves. In England, from whence we adopt many of our customs, the sons of aliens are deemed natives; though the case is said to be different in many other countries.

When a foreigner is naturalized, he is only put in the place of a native freeman. This is the general idea of naturalization.

The word citizen, in its original sense, I believe, only meant a free person of a city; it had no application here until after our independence; and then it had to be accommodated to the customary and peculiar character of our complex system. In our political acceptance of the word, it differs in theory and origin from allegiance; that was a feudal connection, acknowledging the distinction of superior and inferior; it was a species of slavish tenure. But citizenship is rather in the nature of a compact, expressly or tacitly made; it is a political tie, and the mutual obligations are contribution and protection.

If our free black population should be impressed in a foreign port, how could we redress the wrong if we have no political connection with them, if they do not belong to our political family? Previous to the Revolution they were British subjects, and they were dissolved from any further connection with that nation at the same time with the white people; and it would be exceedingly strange, if, from that moment, they ceased to be connected with any political society. Cases are familiar where they assume not only the appearance, but the reality of citizenship. If they should engage in commerce, none of the regulations, as to foreigners, would be applicable to them. Can there exist any doubt as to their capacity of sustaining actions in the Federal courts in the character of citizens? But all our researches on this subject aim principally at one object; it is to ascertain what was the opinion of the patriots of this country, at an early day, respecting this question. This is a fountain, when reached, that cannot deceive us; and, in looking into the ancient records of this Government, we find that this very question attracted attention, and received a solemn decision. The fourth article of the Confederation reads as follows: "The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in the Union, the free inhabitants of each of these States—paupers, vagabonds, and fugitives from justice excepted—shall be entitled to all privileges and immunities of free citizens in the several States." This language includes every free inhabitant, whether black or white, and clothes him with all the privileges of a citizen; and that this was the actual intention appears from the minutes taken when the Confederation was agreed to, (first volume of the laws of the United States, page 26.) When the fourth article was under consideration, the delegates from South Carolina being called, moved the following amendments in behalf of their State: 1. In article fourth, between the words free inhabitants, insert *white*

—passed in the negative, ayes, 2, noes 8, and one State divided. It was then moved, after the words "the several States" to insert, "according to the law of such States respectively," for the government of their own *free white* inhabitants, passed in the negative—ayes 2, noes 8, and one State divided—and in the Journals of Congress, in 1788, we are furnished with the opinion of Congress, on this subject, in terms equally clear and explicit, when it was resolved, with the exception of two States, one of which was divided, that all charges "of war and all the expenses that have been or shall be incurred for the common defence and general welfare, &c., shall be defrayed out of the common treasury, which shall be supplied by the several States, in proportion to the whole number of white and other free citizens and inhabitants of every age, sex, and condition," &c.

Here it is acknowledged expressly that there were other free citizens besides white citizens. If this will not convince gentlemen that free negroes and mulattoes were, from early times, considered as citizens, and composed a part of the people who chose the delegates to frame the Federal Constitution, it will be in vain for me to urge the matter any further.

I will add a few remarks on the subject of manumitted slaves. Among the Romans, as it appears from Cooper's Justinian, there were three grades; the first class of their freemen were entitled to the privileges of Roman citizens; the other two classes were only allowed the enjoyment of inferior rights. What would be the condition of a manumitted slave, in this country, where the equal rights of man are more highly appreciated than in any other nation, I will not undertake to say.

In England, also, alight circumstances were caught at to effect the enfranchisement of persons held in villanage—such as the master bringing an action against his villain, which was construed to be the putting of him on an equal footing with himself. The idea that a free colored man, if a citizen, would be eligible to any office, however elevated, seems irreconcilable to the impressions of some gentlemen. But it will be recollected that this is an event that has never occurred in States where they are acknowledged to be citizens. The manners and practical distinctions in private life, which are observed between the white and the black people, will form a barrier, in this respect, as insurmountable as if ingrafted in the constitution itself; and no danger need be feared that there will be any other commixture of community than we see at present. There are thousands of white people who have no better chance of being placed in office. I would not wish to see a practice prevail of putting them in situations that would create any disagreeable or unpleasant sensations; but this is no reason why they should not be allowed the practical enjoyment of such rights of citizenship as our customs and habits may approve of as suitable to their condition.

It is, however, wholly unnecessary, on this occasion, to trouble ourselves in drawing nice lines of distinction as to the propriety or power of abridging the common rights in regard to this class of people; for no one can gravely accede to the proposition, that a citizen can be denied the privilege of residing on the soil of his citizenship, when he has committed no offence; that he can be held in a state of exile without being branded with any mark of disgrace.

TUESDAY, December 12.

Missouri.

The House again resolved itself into a Committee of the Whole, on the resolution for admitting the State of Missouri into the Union.

Mr. McLANE, of Delaware, addressed the House, as follows:

Mr. Speaker, in soliciting the indulgence of the House upon the present occasion, I cannot avoid expressing my sincere regret, which none can feel more deeply, that the odious Missouri question should ever have been revived. After the discussion at the last session, after the excitement it had occasioned in this House and in the nation; after the deliberate decision of the National Legislature, connected with the principle of an honorable compromise, calculated at once to allay public agitation and reconcile conflicting views, and fully and fairly executed upon one side, as far as it was practicable, it was at least to be desired that it would be the wish, as, in my humble opinion it is the duty, of every friend of his country, that this subject should have been put forever at rest; and that the people of Missouri, mingling their interests and feelings with those of the other States, should have been permitted quietly to take their station in our National Confederacy. But it seems that all these expectations are illusory, and that the ordinary course of public business is again to be interrupted by the agitation of a subject, which, I fear, cannot lead to any profitable result.

I admit, with the gentleman from Pennsylvania who spoke second in this debate, (Mr. SERGEANT,) that the subject has assumed a different, though an important form; but it still appears to me to have arisen out of the old question, and that its importance is derived much more from its effects upon the national tranquillity and the interests of our white population, than that class of persons whose rights are supposed to be affected by the Missouri constitution; who, as I believe I shall be able to show, have little interest in the matter.

I can assure the House that I feel no inclination to prolong the discussion upon so unpleasant a subject beyond that which every one must feel, to prevent any misconception of his course; and the best apology, perhaps, for engaging their attention at all, is to be found in the contrariety of views by which gentlemen who think with me have been conducted to the

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

result. I do not advert to this circumstance with the least intention of undervaluing the arguments of those who enjoy so deservedly the respect of this House and the country; but it will always happen in the first agitation of great constitutional questions, involving the principles upon which the institutions of the Government are founded, that a variety of reasons may lead different minds to a similar conclusion; and when I feel it my duty to avow that, I do not rely upon all the grounds taken by other gentlemen who advocate this resolution, I desire to be understood as saying no more than that they have not the same weight with me that they appear to have had with others.

I entertain no doubt that Missouri is not, at present, a State of this Union; and I am equally clear, that it is both the right and duty of Congress to examine the constitution which has been submitted to us; and, if it be found repugnant to the principles of the Constitution of the United States, refuse to admit the State into the Union. No State can of right claim to be admitted a member unless her frame of government is conformable to the principles of the confederacy of which she seeks to be a part. This was the doctrine for which I contended when I had the honor to address the House at the last session, and I have seen no cause since to change my opinion. I have, therefore, examined the constitution of Missouri, and am satisfied that it is republican, and not repugnant to the Constitution of the United States.

It must be admitted on all hands, that the constitution of Missouri is republican. To deny it this character because it does not prohibit slavery, would be to pronounce the constitutions of all the original States in the Union, and that of the United States, anti-republican. Nor should it be forgotten, that, as it respects the slaves, in regard to whom the proceedings of the last session offered some admonition, its provisions are both liberal and humane; conferring upon this unhappy class of persons greater rights, and guarding them with better securities, than they enjoy in any State in the Union in which they exist.

The only objection which is taken to the constitution, is founded on that article which provides that "it shall be the duty of the Legislature, as soon as may be, to pass such laws as may be necessary to prevent free negroes and mulattoes from coming to, and settling in, this State, under any pretext whatsoever." It should here be remarked, that the Missouri Convention could derive no lesson upon this subject from the proceedings of the last session, which, professing only to close the territory against slaves, could not be construed into a design to open it for free negroes. In announcing this course, too, the convention have proposed merely to model their municipal policy after that of a majority of the old thirteen States, and of those subsequently admitted, dictated, as I believe, by no improper temper, but rather by

the danger of an influx of this class of persons from the Southern part of the continent, who alone would be likely to go there. If this policy be right in the old States, it cannot be wrong in Missouri. We cannot charge Missouri with a violation of the constitution, without pronouncing the same judgment upon the original parties to the compact; and I shall not be readily persuaded of the unsoundness of a doctrine which has regulated the practice of the State and General Governments, ever since their organization; nor will I hastily pronounce the laws of half the States in the Union unconstitutional and void.

But, I proceed to consider more particularly, the character and extent of the objectionable provision; and I beg leave to remark, first, that of itself, it is entirely inoperative. It does not infringe the rights of any person whatsoever, nor does it prohibit any free negro from emigrating to the State of Missouri. It is directory merely to the Legislature to do so, and, until they have made it by their enactment, no prohibition does, or can exist. It is not, nor can it be known, that the Legislature will ever pass such a law; if the direction be unconstitutional, they never can. If they should, the law, and not the constitution, would create the prohibition; unless the Legislature should derive the power to pass the law from this provision. But, it cannot be pretended, that this clause confers on the Legislature any new or greater power than they would possess without it. In governments not republican, the legislative is the supreme power; in those which are republican, the supreme power is in the people; and under our system, therefore, the constitutions abridge, rather than enlarge the powers of the legislative department. The provision, then, instead of conferring new power, directs the Legislature to exert a power already in them, independent of the constitution, and depending for its efficacy in no degree upon the authority of the constitution. If this clause confers no new power, so it imposes no additional obligation upon the Legislature; it directs the exercise of a legislative function, upon the supposition that the right to exercise it exists, and that it may be rightfully employed. It does not require the Legislature to pass the law, *per fas aut nefas*, right or wrong; but to do so if they can consistently with their constitutional obligations. In referring the subject to legislative interposition, the convention could have designed nothing else, than that it should act under the same responsibilities, and with the same regard to motives of State and general policy as in other cases. They could not have made it obligatory upon the Legislature to pass the law at all events, for this would have been requiring them to violate the Constitution of the United States, which their oaths, as members of the Legislature, bound them to support. Besides, if it had been the design to enact the prohibition without regard to constitutional restraints; or to abridge legislative discretion, the

convention, themselves, would have ingrafted it upon their work, and not have referred it to the Legislature. The injunctions of the convention in matters of legislative cognizance must always be subservient to the higher duties of the legislator, the first of which is to pass no law repugnant to the Constitution of the United States. The direction in question, therefore, amounts to nothing more than that the Legislature shall originate the system, provided they shall deem it compatible with the Constitution of the United States.

If, therefore, this clause neither enlarges the power, nor increases the obligations of the Legislature of Missouri, the power of the State in relation to the General Government, and the checks and balances of the latter, are the same as they would be independent of it; and if the relation of the State to the United States, and the rights of the persons to be affected by it are the same whether the clause be in or out of the constitution, the Legislature will act, if at all, at the same peril, and under the same restraints, as though it did not exist, and it would be the law and not the constitution of Missouri which would be repugnant to the Constitution of the United States, if either could be. How then can we say, that a clause of a nature perfectly nugatory, possessing no legal force or operation, which confers no additional power, nor creates any new obligation, but directs a legislative interference subject to the higher control of the institutions of the General Government, can be unconstitutional?

If this clause do not violate the constitution, it is not possible for Congress to anticipate the passage of an unconstitutional law, and prospectively to pronounce it void, much less can we act upon such a supposition. Suppose, for example, that this clause were not in the constitution, but that Congress had reason to believe, that it was the intention of the Missouri Legislature to pass a similar law; could Congress require from them, as the terms of their admission into the Union, a stipulation, that no such law should ever be passed? Clearly not; for this would not only be drawing to Congress the judicial power of revising State laws, which they never can possess, but it would amount to a condition tying up the functions of the Legislature, and denying it the same powers which have been actually exerted by the other States. Sir, as it regards the municipal laws of the States, Congress must always rely upon the sound legal discretion of the State Legislature not to pass unconstitutional acts, and upon the firmness and integrity of the national judiciary, to avoid them if they should. With regard to the present States we have no other reliance, and we need no other.

And why, sir, do we fear the Legislature of Missouri more than we do those of the other States? We have stipulated to admit these people into the Union, and, wishing to avoid our obligation, we refuse to execute it, because we are pleased to suspect that at some future

time their Legislature may pass a law, which we choose to determine would be unconstitutional!

But, Mr. Speaker, suppose the clause in the Missouri constitution be considered as making it obligatory upon the Legislature to pass a law conformable to its terms, is its compatibility with the Constitution of the United States irreconcilable? The clause in the latter instrument with which it is supposed to be in conflict, provides, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Now, on this supposition, I do not require gentlemen to refer this question to the judiciary, for I am prepared to decide it for myself; but, I ask them, when they attempt its interpretation here, to be guided by the same rules of construction by which the Judiciary would decide, if it were before them. If the State of Missouri possess any power over the subject-matter to which the provision relates, then it is not altogether void; it is in part at least good, and we must give it a construction which will reconcile the powers of the State with those of the General Government; otherwise, we should deny to the State the power of acting at all, lest it might transcend its proper sphere.

It must be conceded, sir, that if there are any free negroes and mulattoes, who are citizens of any State, yet that the great majority of this class of persons in the United States are citizens of no State. As to these, by far the greatest number, the power of Missouri is complete; their emigration to the State may be constitutionally prohibited, and, so far as it may operate upon them, the clause is good. Missouri, then, has the undeniable right to prevent "free negroes and mulattoes" from settling within her State; and, in order to give any color to the objection, gentlemen are obliged to assert that the clause excludes all free negroes and mulattoes, including citizens of the several States. If Missouri had no power to prevent any free negroes from going there, the clause might be bad; but she is admitted to possess sufficient power to fill up the plain literal scope of the clause; and it can never be bad, unless the Legislature exceed even the limits of the injunction. Is it fair to presume that the Legislature will do so, where they have neither a legal nor moral obligation to urge them forward, but have both to help them back?

It is our duty, moreover, sir, to give to the words of the clause that sense in which they are usually employed in all parts of the country, and by men of all classes; and in that sense they import, *ex vi termini*, that class of colored people who are neither slaves nor citizens. In a country where there are slaves who can become citizens, the middle condition of a man passing from slavery to citizenship, can be no otherwise designated than by the terms here employed, since his freedom does not necessarily import citizenship. When we speak of a negro slave, we mean one who owes a lasting

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

service to a master; when we speak of a free negro, we refer to him who has been set free by his master; and the appellation of citizen belongs to a higher condition and fuller rights. If we design to discriminate between citizens of different color, we should use the terms white citizens, or black or negro citizens, which have, I confess, to my ear at least, the sound of novelty. In common parlance, therefore, we use the term free negro in contradistinction both to slaves and citizens, in the same way as the freedman among the Romans denoted the middle condition between the bondman and the Roman citizen. The convention of Missouri could not have used the terms in any other sense, especially when it is considered that their principal design was to exclude this class of people, of idle and dissolute habits, upon their Southern and Eastern borders, who are confessedly not citizens, and known only as free negroes and mulattoes, rather than those in the Northern and Eastern States, who, it cannot be supposed, will be likely ever to wander into this Western region. But as this part of the subject has been pressed more in detail, and with greater ability than I could hope to employ, I will say no more in regard to it than that, while there is a sound, legal, rational construction at hand, which reconciles the constitution of Missouri with that of the United States, we are bound in a fair performance of our engagements to adopt it, rather than diligently to hunt after some technical objection by which we avoid the one, under the pretext of obeying the other.

But, Mr. Speaker, these are not the principal views which I design to submit; I confess that the great ground upon which my opinion is formed is, that the free negroes and mulattoes in the United States are not that description of citizens contemplated by the Constitution of the United States as entitled to Federal rights.

I do not mean, sir, to deny that these people have certain rights. I admit they have many; and these I would cherish, and, when consistent with the safety of the white population, enlarge. But their rights are of a local nature, dependent upon the gratuitous favor of the municipal authority of the States, and liable to be curtailed or enlarged by those authorities; they are limited to the State granting them, and confer no claim to similar privileges and immunities purely federal. Gentlemen must not only show that a free negro may be admitted to the enjoyment of some rights of citizenship in a particular State, but they must also show that he is of that description of "citizen" to whom the constitution meant to guarantee equal rights in every State. The State authority may confer the right of citizenship within their State upon aliens and Indians; but it was never imagined that they would therefore be the subjects of federal rights. Nor could the constitution have intended to refer to any description of persons whose privileges were matters of grace from the

local municipality. For I take it to be clear, that no person can claim federal immunities who cannot claim, as a matter of right, the privileges of a citizen in the State of which he is a resident. A consideration of the nature of citizenship and the principles of the Federal Union, will show that the free negroes in our country have no such pretensions. An inattention to the distinction here taken, has led to great misapprehension throughout the argument. Gentlemen have seen some few of these people voting in some one or two of the States, and have seized upon this circumstance as conclusive evidence of citizenship, without reflecting that, as a political right, it is the consequence rather than the characteristic of citizenship, and may depend upon the precarious tenure of the local legislature, which, if it pleased so to order, might deprive a real citizen of the right of voting, while at the same time it should confer it upon an alien who could claim none of the essential rights which characterize a citizen.

I concur entirely in the definition of a citizen, as given by the honorable gentleman from Virginia on my left, (Mr. BARBOUR,) who has spoken with so much ability, and left I fear little for me to add. I believe that his definition will be found, in all its prominent parts, to be fully supported by the best authors upon the subject, as well as the reason of the case. I take it, sir, that a person, to be a "citizen" under our Government, must be a member of the *civil community*, and entitled as matter of right to equal advantages in that community. His rights result from his association with it, and of which nothing short of his own will or misconduct can deprive him. They are rights independent of the political power, and inalienable. They were anterior to the community, were carried into it, and their preservation formed the great object of the association. They may be modified, but cannot be destroyed, by the political power of the society. A State, for instance, may regulate the right of suffrage, and extend it to such only of its members as possess a freehold property; but it could not extend it to one freeholder and not to another; much less could it say that a citizen should not acquire a freehold; for it is the inherent right of every citizen to exert his mental and physical powers in the pursuit of happiness, and for the acquisition of property, and to have his acquisitions protected. Our political system is founded upon this principle of equal rights in the members of the community, and any State regulation which should interfere with them, would be unconstitutional. It follows, therefore, that those only are "citizens" who can claim these advantages as a matter of right; all others, and those whose privileges depend upon the grace or favor of the local authority, fall under the denomination of inhabitants and aliens, holding their rights at the will of the Government under which they live. Upon a subject on which so great a variety of opinion

has been entertained, I pray to be indulged in referring to an authority in support of the exposition I am pursuing. It is remarked by *Vattel*, who, in this respect, follows *Grotius*, that "The citizens are the members of the civil society. Bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. The natives are those born in the country of those who are citizens. In order to be of the country, it is necessary that a person be born of a father who is a citizen."

"The inhabitants, as distinguished from citizens, are strangers who are permitted to settle and stay in the country. Bound by their residence to the society, they are subject to the laws of the State while they reside there, and they are obliged to defend it, because it grants them protection, though they do not participate in all the rights of citizens. They enjoy only the advantages which the laws or customs give them."

"The perpetual inhabitants are those who have received the right of perpetual residence. These are a kind of citizen of an inferior order, and are united and subject to the society without participation in all its advantages. Their children follow the condition of their fathers," &c.

Of the two last of these classes, I consider the Indians and free negroes and mulattoes of the United States. The "laws and custom" nowhere give them the right of participating in all the advantages of society. Their actual advantages vary in almost every State; in some they are dealt out more liberally; in others with a sparing hand; in none are they complete. In some States they cannot be witness against the whites; in others they cannot be jurors; in none are they allowed to hold offices or to intermarry with the whites—a circumstance to which I shall more particularly advert hereafter. If they were citizens, these disabilities could not be imposed upon them, but for some personal defect. The real truth is, sir, that they are nowhere considered as members of the civil society, but as inhabitants of the country, holding their rights at the will of the local authority.

It was competent, in the original formation of the societies which now compose this Union, to admit into the association, or to exclude from it, any description of persons whatsoever. Every one in any degree acquainted with the history of the first settlement of these States must know that the association was of white people—Europeans and their descendants. The idea of a mixture was at no time tolerated; even the aboriginal Indians were not received as a competent part of the civil or political community; but the country was settled, and the society formed, by a white population. It was essentially a white community. In its origin the black population could have formed no part of it, and throughout its progress the invincible barrier to a mixture of white and black, and the positive regulations of so-

ciety, have perpetually excluded them. They could not, therefore, upon the principles of the association, and in the nature of things, be entitled to equal rights.

The African race came to the country posterior to the whites, and their original condition most unhappily was that of slaves. As such, they were clearly without the pale of the society; and it is equally clear that they never could be admitted within it afterwards, unless by some positive law, or by long usage and custom. They never have been admitted by either. In Pennsylvania, and many other States, they were expressly excluded from the benefit of the naturalization laws existing in the States, prior to the adoption of the Federal Constitution.

Where is there any positive institution providing for their incorporation into the civil community, or extending to them equal rights? Where is the State in the Union in which it is declared, by positive enactment, that free negroes shall be entitled to claim all the rights of citizens, and be entitled "equally to participate in the advantages of the civil" or political "society?" I never heard that there was one. The act of emancipation cannot have this effect, unless it should be so declared by some express statutory provision. Emancipation is the mere act of the owner; it is merely a relinquishment of his claim to the services of the negro; it gives freedom to the slave, but it is not competent for the owner, a single individual, by any act of his, to constitute him a citizen. This must be the work of the society at large. There cannot be a stronger illustration of this, than that the right and form of the manumission of slaves is everywhere a matter of State regulation; under which they confer on the manumitted slaves only the rights of free negroes, not of citizens, distinguishing between the two conditions, and creating a liability on the owner to support the negro, if at any period of his life he should become unable to support himself. This would never be, if by the act of manumission the negro were admitted to the rights of a citizen, for in that case it would be the duty of the society at large to provide for his age and infirmities, and they would have no power to impose the obligation exclusively upon the owner. It is because he can neither incorporate with, nor attain to any rank in the society, whereby his means and inducements to provide for himself are diminished, that the owner is not suffered to cast him loose upon the community without becoming responsible for his maintenance. Sir, the doctrine is confirmed by the experience of all history.

When Mr. MCLANE had taken his seat—

Mr. MALLARY, of Vermont, observed, that he was conscious of his small claims to the indulgence of the House, while he presented his views on the subject which engaged its attention. He trusted, however, some excuse would be found in the interesting character of the question to be decided.

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

The measure proposed is calculated to affect the privileges of a part of the people of that section of the Union to which I belong, said Mr. M., and particularly of the State of which I am a Representative. I feel myself under the highest obligation to assert, feebly as it may be, the rights and privileges of those whom the institutions of other States, as well as my own, declare to be their citizens. Such as they recognize as deserving their protecting care, I hope I shall be ever ready and willing to defend.

Is the constitution of Missouri repugnant to the Constitution of the United States?

By the twenty-sixth section of the constitution now offered for our acceptance, it is declared that "it shall be the duty of the General Assembly of Missouri, as soon as may be, to pass such laws as may be necessary to prevent free negroes and mulattoes from coming to, and settling in, this State, under any *pretext whatsoever*." Language, clear, precise, and energetic. It almost seems that it was feared the Assembly might be disposed to relax the severity of that inexorable clause. But to prevent the possibility of disobedience, we find, not the common declaration of duty to the Assembly, but a rigid admonition, not to disobey under any "*pretext whatsoever*."

The Constitution of the United States declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

Are negroes and mulattoes the citizens of any State? If so, it is clear, that the language which has been repeated from the constitution of Missouri, is a glaring and offending violation of the Constitution of the United States.

An honorable member from Virginia, (Mr. ARCHER,) has very gallantly avowed himself the champion of State rights. I consider, with him, that it should constitute a crime of the darkest hue to abandon them; but, at the same time, it is a duty of the highest order to preserve from violation those which belong to the Union. Those rights which have not been surrendered by the several States to the General Government still remain in their power. Among these, the right of a State to declare who of its own inhabitants may be its citizens still remains unimpaired. It was never given up; it has been perpetually exercised by every State, as one of its most valuable prerogatives.

We have been asked, if other States are allowed to declare who may be their citizens, shall not Missouri be indulged in the same power? She would be entitled to equal privileges, but no more. The people of that territory may make citizens of whom they please, among themselves. For one, I have little disposition to interfere. But, when they attempt to disfranchise those who have been made the citizens of other States, it is a matter of very different import. This privilege, instead of reducing Missouri to a state "of pupillage," would elevate her to the rank of mistress to the Union.

The other States must then bow in submission to her superior power. Sir, no State in the Union would presume to deprive the citizens of Missouri of their rights, nor will they with composure allow her a prerogative which they disavow for themselves.

A citizen has been defined by a member from Virginia, (Mr. BARBOUR,) to be a person who enjoys all the civil rights and privileges which others possess under the same circumstances, belonging to the same community, unless such rights have been forfeited by such person, by some cause existing in himself. Whether the definition is correct or not, it will, I am confident, lead to a conclusion directly the reverse to that which has been drawn by the honorable gentleman who gave it. It admits, that there are different circumstances under which the people of the Union are found. It would be morally and politically impossible that all persons in a State could be found under the same circumstances. Those will be natural or created by the civil and political institutions of society. Yet, it seems to be agreed, that when we find a person, who enjoys all the rights and privileges which others enjoy, under similar circumstances, he is a citizen.

In many, perhaps in all, of the States a distinction is made, for many purposes, between freeholders and those who are not. One may serve as a juror, the other is excluded from that privilege, or right. The freeholder in Vermont may have a certain kind of process without surety; the person who is not a freeholder is deprived of this privilege. No one, however, would presume to declare that a person who was not a freeholder could not be a citizen. Here the rule which has been mentioned would apply correctly. The person who was not a freeholder, but who possessed all the civil rights and privileges which others enjoyed, under the same circumstances, would still be a citizen. So, minority or advanced age would constitute other classes, and having equal rights with their several classes are equally citizens. If property or age are employed by the supreme power of a State to confer different rights on the white population, and yet the character of citizenship remains unchanged, why may not color be employed to distinguish another class? Color may be a circumstance which will designate a portion of population, and may be used constitutionally, as age or property. If it is so, it is a clear conclusion which will follow from the position assumed, that every colored person who is entitled to all the rights and privileges which others enjoy, under the same circumstances, must be a citizen.

A reference has been made to the laws of Massachusetts which prohibit a black man from marrying a white woman. It is said that by the operation of this law he is deprived of a civil right, which renders him unequal to others, and deprives him of citizenship. Had not this doctrine been advanced by those whose talents command respect, it would never require refu-

tation. It may be proper to pursue this principle to its necessary conclusion. It will not be denied that the female part of society are citizens of the several States to which they belong. They have civil rights and privileges, and as citizens can demand the protection and support of Government. But the black man cannot marry a woman of a different color, therefore *he* is not a citizen, because he is deprived of a right which a white man possesses. The white woman cannot marry a man of a different color—by the same rule, which the gentleman from Virginia (Mr. BARBOUR) has laid down, *she* cannot be a citizen, because she is deprived of a right which a colored woman enjoys. The operation of the law must be reciprocal, and if one class has lost its rights as citizens, the other has also.

It is also said that the negro and mulatto are not enrolled in the militia, and compelled to perform military service. In some States, perhaps in all, they may be exempt. So are those over and under the age prescribed by the laws. Is the youth of sixteen and the man of fifty deprived of the character of citizens because others are called upon to perform more arduous duties than themselves? If this is correct, all who have been excused from these duties are most shamefully degraded. The white and black man must share one common fate.

Thus, sir, I have endeavored to prove that the position which has been assumed will lead to the inevitable conclusion, that negroes and mulattoes, who, in any State, can demand the exercise of civil rights and privileges in common with that class to which they belong, are entitled to the character of citizens.

I concur with others who have addressed the House before me, that the term citizen cannot be defined by a single expression. The rights of citizens are different in different States, and are dependent on the several constitutions and laws which have been adopted. In the same State, different persons may be confined to different rights and yet all be citizens.

I will venture to assume a position, which I am confident none will deny. Not that it will embrace all who are entitled to the rights of citizens, but will be sufficiently comprehensive for the present discussion.

A person must be considered a citizen, who, by the fundamental laws of a State, is invested with political rights. These are the rights which communicate life and give activity to a government itself. In all the States of the Union, these rights are conferred on those only who have bound themselves to the common interest and become pledged to promote the general welfare; who have been incorporated into the great family of the people, and have made one common cause in the pursuit of the great objects of human government.

It would be absurd, sir, to say, that you will allow the enjoyment of the highest prerogatives to a person while he is yet an alien and a stranger; that you will permit a man to exer-

cise those powers on which your Government must depend, and still not be a citizen. What State in the Union permits, for instance, the right of suffrage, but to such as are its citizens? What constitution declares a person eligible to its highest honors, who is deprived of the character of a citizen? It would be fatal to the existence of any government to admit the people of other countries to control its operations, until they had been bound by some strong, indissoluble tie to the general welfare.

In the position which I have assumed, I am well supported by the assertion of the honorable gentleman from Virginia, (Mr. SMYTH.) I understood him distinctly to maintain "that a citizen might be defined to be one who is entitled to political rights."

Permit me, sir, to examine whether any negro or mulatto has political rights in any State; whether there is a constitution which decrees to such persons all the privileges of citizens. I should never have troubled the House with many observations on this point, had it not been so often asserted, in the most decisive language, that negroes or mulattoes, in every State in the Union, were deprived of all the essential rights of citizens. I should have supposed the most superficial examination of the constitutions of the several States would have proved, that such ideas were utterly destitute of foundation. But they have been advanced on the floor of this House, with such confidence, that I hope I shall be indulged in attempting to correct the error.

Sir, I would call the attention of the House to the constitution of Vermont. There, gentlemen will find an unequivocal declaration "that all men are born equally free and independent; that no male person, born in this country, or brought from over sea, ought to be holden, by law, to serve any person as a servant, slave, or apprentice, after he arrives at the age of twenty-one years; nor female, in like manner, after she arrives at the age of eighteen years." It does not declare that all men except negroes and mulattoes "are born equally free and independent;" it does not declare, Mr. Speaker, that no person except negroes and mulattoes shall be holden to servitude. The language is broad and comprehensive as the race of man. And, I believe that those unfortunate beings, even where they are held in a state of the deepest degradation, are still considered as belonging to the human family.

Sir, lest this may be called an unmeaning manifesto of the rights of man, calculated for a splendid show of republicanism, but intended to confer no substantial benefits, I will again refer to that instrument. "The declaration of the political rights and privileges of the inhabitants of this State is hereby declared to be a part of the constitution of this Commonwealth, and ought not to be violated on any pretence whatsoever." Negroes and mulattoes, sir, here find protection under this firm, humane, and liberal provision; to which the people of Ver-

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

ment look with the proudest satisfaction, as their common safeguard.

Again, sir, it is declared "that every man of the full age of twenty-one years, having resided in this State for the space of one year next before the election of representatives, and is of a peaceable or quiet behavior, and will take the following oath, [the oath of allegiance to the State,] shall be entitled to all the privileges of a freeman of this State." This does not say, every man, except negroes and mulattoes. It embraces all of every color, whether "born in this country or brought from over sea;" and permit me to say that the rights of a freeman confer the highest distinction that can be given to an inhabitant of that State; they imply the perfection of all the civil and political privileges and immunities that can be enjoyed by man in the society of his fellow-men. All the security which the constitution gives to the most distinguished citizen for the protection of his life and reputation, is afforded to every freeman, whatever may be his circumstances, or color. The spirit of the constitution watches with equal eye over the rights and privileges, civil and political, of the negro and mulatto, and would chastise the least attempt to offer violation.

When Mr. M. concluded—

Mr. EVERTS, of Massachusetts, addressed the House, in substance, as follows:

I am one of those who had hoped that the discussion of this question might have been avoided. But it is upon us, and we must meet and decide it. With gentlemen who have preceded me, I perfectly agree, that the only question to be determined is, whether that article in the constitution of Missouri, making it the duty of the Legislature to provide by law "that free negroes and mulattoes shall not be admitted into that State," is, or is not, repugnant to that clause in the Constitution of the United States, which declares "that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." This question has been fairly met. Those who contend that the article is not repugnant to the Constitution of the United States, ground themselves on the position that blacks and mulattoes are not citizens of the United States, and have repeatedly referred to the condition of those in Massachusetts to support the assertion. Now, sir, I invite the honorable member from Delaware, who has lately addressed you, with the honorable member from Virginia, who, in his address to the Committee of the Whole, on Friday last, maintained the same position, to go with me and examine the question to its root.

At the commencement of the Revolutionary war, there were found in the Middle and Northern States, many blacks and other people of color, capable of bearing arms; a part of them free, the greater part slaves. The freemen entered our ranks with the whites. The time of those who were slaves was purchased by the States, and they were induced to enter the ser-

vice in consequence of a law by which, on condition of their serving in the ranks during the war, they were made freemen. In Rhode Island, where their numbers were more considerable, they were formed, under the same considerations, into a regiment commanded by white officers; and it is required, in justice to them, to add, that they discharged their duty with zeal and fidelity. The gallant defence of Red Bank, in which this black regiment bore a part, is among the proofs of their valor.

Among the traits which distinguished this regiment, was their devotion to their officers; when their brave Colonel Greene was afterwards cut down and mortally wounded, the sabres of the enemy reached his body only through the limbs of his faithful guard of blacks, who hovered over him and protected him, every one of whom were killed, and whom he was not ashamed to call his children. The services of this description of men in the navy are also well known. I should not have mentioned either, but for the information of the gentleman from Delaware, whom I understood to say that he did not know that they had served in any considerable numbers.

The war over and peace restored, these men returned to their respective States. And who could have said to them, on their return to civil life after having shed their blood, in common with the whites, in the defence of the liberties of the country, You are not to participate in the rights secured by the struggle, or in the liberty for which you have been fighting? Certainly, no white man in Massachusetts.

The gentleman from Virginia says he must not be told that the term, we the people, in the preamble to the constitution, means, or includes, Indians, free negroes, mulattoes. If it shall be made to appear that persons of this description, citizens at the time, were parties to, and formed an integral part of that compact, it follows, incontestably, that they are and must be included in it. To justify the inference of gentlemen, the preamble ought to read, We the *white* people. This was impossible; the members of the convention who formed that constitution, from the Middle and Northern States, could never have consented, knowing that there were in those States many thousands of people of color, who had rights under it. They were free—free from their masters? Yes, in the first instance; they also became freemen of the State, and were admitted to all the rights and privileges of white citizens. Was this admission merely nominal? This is answered by the fact that they did enjoy and did exercise the rights of free citizens, and have continued to exercise them, from the peace of 1788 to this day. It has been contended that they are not citizens, because they have been deprived, by a law of Massachusetts, of a part of their civil rights, and in proof, is stated the law forbidding the marriage of a black man with a white woman. The same law, sir, in-

terdicts the marriage of a white man with a black woman. The law, then, applies equally to both, and cannot justify the inference which has been drawn from it. But, if the black man ceased to be a citizen because he had lost this civil right, as contended for by the gentleman from Virginia, the white man also must be determined not to be a citizen, and the State of Missouri would have an equal right to exclude him. Again, sir, the exclusion of the blacks from the ranks of the militia is adduced as another instance of their privation of a civil right. Without dwelling on the well-known fact that militia duty in Massachusetts is a heavy duty, an exemption from which is considered a favor, and that several other descriptions of citizens are also exempted; and admitting that the blacks are interdicted, while others are only exempted from this duty, what is proved by quoting these laws? They prove that they were in the actual enjoyment of these rights, and that a specific law became necessary to deprive them of them. Admitting that the State had a right to pass these laws, and that this description of citizens are curtailed in their exercise of a part of their privileges, what rights are left to them, and what rights do they continue to enjoy and exercise? We answer, all the broad and essential rights of citizens—the right, in common with the whites, to hold real and personal estate; the right of course to hold and convey land; the right of trial by jury; the right to the writ of habeas corpus; and, in this Government, the all-important right of the elective franchise; and it may be safely affirmed, that, by the laws and constitution of Massachusetts, they are considered as citizens equally with the whites.

It has been justly observed on this subject, by a gentleman on the other side, that facts and practice are better than theory. Here, then, we offer incontrovertible facts, proving, not from theory, but from actual and long-continued practice, that black men and mulattoes, in Massachusetts at least, are citizens, having civil and political rights, in common with the whites. If we are asked for evidence of their being in the exercise of these rights, it is answered, that a knowledge of the history and practice of the State for more than forty years past, will show that they have been in the constant exercise of them. To vote in the election of town, county, and State officers, the same qualifications of residence and property are required from them, as from the whites, and, having these qualifications, they have a voice in the election of all State officers. Again, it is particularly affirmed by the honorable member from Delaware, that this description of persons, whatever right they may have in the several States, have no federal rights, and cannot be considered as citizens of the United States. I had thought, with the honorable member from Pennsylvania, that the question "who were citizens?" was merged and decided by the adoption of the Federal Constitution.

By whom, and for whose use and benefit was that constitution formed? By the people, and for the people inhabiting the several States. Did the convention who formed it go into the consideration of the character or complexion of the citizens included in the compact? No, sir; they necessarily considered all those as citizens who were acknowledged as such at the time by the constitutions of the States.

Independent of all reasoning, presumption, or theory, we proceed to state facts which prove incontrovertibly their federal rights. I confine my observations to Massachusetts, because the practice in that State is within my own personal knowledge and observation. In that State, sir, the citizens in question constituted, and were in fact an elementary part of the Federal compact. They were as directly represented as the whites in the initiatory process; and, from their votes, in common with those of the whites, emanated the convention of Massachusetts, by whom the Federal Constitution was received and ratified. Is not this proof? Is it not demonstration that they are entitled to—that they hold and exercise federal rights in common with the other citizens? If a doubt remained, it is answered by another equally important fact. They are also represented, not circuitously and indirectly, but directly, in this House. I very much doubt, sir, if there be a member on this floor from any one district in Massachusetts, whose election does not partake of the votes of these people. In the district which I have the honor to represent, their number, compared with that of the white population, is not great; but, in an adjoining district, their number of qualified voters have been sufficient, and has actually turned the election of a member of this House.

After affirming that they had not the rights of citizens of the United States, which we apprehend we have disproved, the gentleman from Delaware presumes that they are few in number. This also is a great error. Their number is much greater than that gentleman apprehends. Not only the number and the rights of these men, but their characters also, do not appear to have been understood. Nor is it to me at all extraordinary that gentlemen from other States, in which the condition, character, the moral faculties, and the rights of men of color differ so widely, should entertain opinions so variant from ours. In Massachusetts, sir, there are among them those who possess all the virtues which are deemed estimable in civil and social life. They have their public teachers of religion and morality, their schools and other institutions; on anniversaries which they consider interesting to them, they have their public processions; in all which they conduct themselves with order and decorum. Do we ask for them any enlargement or extension of their rights? No, sir, we ask only that, in a disposition to accommodate Missouri, their avowed rights and privileges be not taken from them.

Mr. Speaker, no one can address you who is more sensible than I am that this Government

DECEMBER, 1820.]

Missouri State Constitution—Citizenship of Free Colored Persons.

[H. OF R.]

is the result of compromise; of a healing, heavenly, conciliating spirit, which the genius of the immortal Washington was perhaps alone capable of rallying round him; nor can any one be more sensible of the importance of cherishing these dispositions, more especially in cases where the rights of States, whether already admitted, or hereafter to be admitted into the Union, are concerned. Let us be careful that this indulgent disposition be not extended too far. Sir, this has been considered a sectional question. I must deny the position. Maine is as deeply interested in it as Missouri. In every question touching the constitution, every State in the Union has an equal, a common interest; and, let me add, however we may differ in opinion or in construction, we are bound by a common interest to extend to each other the belief that there is a common respect and an equal desire to obey its injunctions. Were this even a doubtful case, it ought to be decided in favor of common rights. Were it possible that, in the wish to accommodate Missouri, the constitution should be made to bend in her favor, the tree is in danger, and, if a single limb be broken, Missouri is no longer safe in what would be guaranteed to her. In less than twelve months the inclination may be in a different direction, and she may lose more than she would have gained.

When Mr. E. had concluded—

The committee rose, on the motion of Mr. BEECHER, of Ohio, (some other gentlemen also rising to obtain the floor,) and the House adjourned.

WEDNESDAY, December 13.

Another member, to wit, from North Carolina, THOMAS SETTLE, appeared, and took his seat.

Constitution of Missouri.

The House then resumed the consideration of the resolution declaring the admission of the State of Missouri into the Union.

Mr. BEECHER, of Ohio, delivered, at considerable length, his sentiments, in opposition to the passage of the resolution.

Mr. COOK, of Illinois, said, after the full discussion which this subject had already received, he felt much reluctance in asking the attention of the House to a single additional remark from him; and were it not for the peculiar situation in which he found himself placed, he should have been contented in giving a silent vote. He said he had fully given his constituents to understand that he should vote for the admission of Missouri. That he had given them so to understand, even previous to his re-election to a seat in the next Congress, and the result of that election had satisfied him that his vote would not be disapproved. He considered the faith of Congress pledged, by the act of the last session, to admit her, provided her constitution was made in conformity to the terms of this act, and when he had said he would vote for

her admission, that declaration had always been made under the belief that such would be the case.

When Mr. C. arrived at Washington, he for the first time met the objection which was now urged against her constitution, and perhaps under the influence of a strong anxiety for her admission, had examined the question, as he then thought, thoroughly, and for a considerable time saw no reason to change his determination. Under this conviction, produced by that examination, he had, as he hoped he always should do, fearlessly expressed his opinion in favor of her admission. He even now, notwithstanding his opinion was changed, freely declared that all his predilections were in favor of such a vote. Missouri, he said, was the near adjoining neighbor of Illinois, and notwithstanding an unhappy difference of opinion upon political subjects had created between their respective citizens a rancour and animosity, which he well knew the vote he was about to give would not in the least allay; a vote which he well knew many of his constituents would be greatly disappointed when they heard of; yet he should be glad to see her admitted and placed upon an equal footing with the State which he had the honor to represent.

Mr. C. said, it was because of his particular situation, and because there was a view of the subject which had weight with him, and which had not been taken in argument, that he ventured to beg the indulgence of the House for a single moment.

He was aware that the change his opinion had undergone, had called forth the charge of inconsistency and timidity from some, on both sides of the question. But such suggestions made no impression upon his mind. He felt shielded against the effects of all such unkind opinions and suggestions, by a consciousness of the rectitude of his own motives.

[Mr. Cook then gave at length his reasons for changing his opinion on the question of admitting Missouri into the Union, the change being founded on that clause in her constitution which prohibited free people of color from settling in the State; and which he held to be incompatible with that clause in the Constitution of the United States which guaranteed to the citizens of each State the rights of citizenship in every State.]

The question was taken, "Shall the resolution be engrossed, and ordered to be read a third time?" And on this question the yeas and nays were as follows:

YEAS.—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Ball, Barbour, Bayly, Bloomfield, Brevard, Brown, Bryan, Burton, Burwell, Cannon, Cobb, Cooke, Crawford, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Earle, Edwards of North Carolina, Fisher, Floyd, Garnett, Gray, Hall of North Carolina, Hardin, Hooks, Jackson, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Lowndes, Little, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Meigs, Mercer, Metcalf, Montgomery, T. L. Moore, Neale, Nelson of Virginia,

Newton, Overstreet, Parker of Virginia, Pinckney, Randolph, Rankin, Reed, Rhea, Robertson, Settle, Shaw, Simkins, Smith of New Jersey, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Swearingen, Terrell, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker, Warfield, Williams of Virginia, and Williams of North Carolina—79.

NAVY.—Messrs. Adams, Allen of Massachusetts, Allen of New York, Baker, Bateman, Beecher, Boden, Brush, Buffum, Butler of New Hampshire, Campbell, Case, Clagett, Clark, Cook, Crafts, Cushman, Dane, Darlington, Dennison, Dewitt, Dickinson, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Eustis, Fay, Folger, Foot, Ford, Forrest, Fuller, Gorham, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hall of Delaware, Hemphill, Hendricks, Hibshman, Hill, Hostetter, Kendall, Kinsey, Kinsley, Lathrop, Lincoln, Linn, Livermore, McClay, McCullough, Mallary, Marchand, Meech, Monell, R. Moore, S. Moore, Morton, Mosely, Murray, Nelson of Massachusetts, Parker of Mass., Patterson, Phelps, Philson, Plumer, Rich, Richards, Richmond, Rogers, Ross, Russ, Sergeant, Silsbee, Sloan, Southard, Stevens, Storrs, Street, Strong of Vermont, Strong of New York, Tarr, Tomlinson, Tompkins, Tracy, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood—93.

And the resolution for the admission of the State of Missouri into the Union was rejected.

Mr. LOWNDES then rose, and said that he did not wish to be disrespectful to a majority of the House, as declared on the vote just taken, but he now felt it to be his duty to call on them, having rejected the resolution proposed by the committee of their appointment, to devise and propose to the House the means necessary to protect the territory, the property, and all the rights of the United States in the Missouri country.

A motion being made to adjourn, was decided affirmatively, and, at a little before sunset, the House adjourned.

THURSDAY, December 14.

Military Punishment.

The following letter from the Secretary of War was received and read:

WAR DEPARTMENT, Dec. 14, 1820.

SIR: In answer to that part of the resolution of the House of Representatives of the 9th instant, requiring this Department to show whether the order given by Colonel King of the 4th infantry, for shooting deserters taken in the fact, was approved by any general officer in the service of the United States, or was known to, and passed over in silence by him, as stated in the defence of said Colonel King, I have to enclose an extract of the letter of Major General Jackson on that subject, which was transmitted to the House of Representatives with the copy of the trial of Colonel King, and which is published in the appendix of that trial. This extract contains all the information within the knowledge of this Department on that subject.

In relation to that part of the resolution which requires any information this Department may possess, showing that corporal punishment has been inflicted on any soldier, whereby he came to his death, I have the honor to state, that the only report of that kind,

which has reached this Department, was the case of a soldier at Fort Preble, near Portland, in Maine. Major Brooks, a correct and intelligent officer commanding that post, in September last, reported that the death of a soldier, an habitual drunkard, who had been on a fatigue party, under Lieutenant Hobart, and had been confined by him, had caused much excitement among the citizens, who attributed the death of the man to the conduct of Lieutenant Hobart; that the civil authority had taken up the affair for investigation, to which Lieutenant Hobart had readily submitted himself. The report was accompanied with the enclosed certificate of the jury of inquest as to the correct conduct of Major Brooks and the other officers of the post, in relation to the transaction. It thus appearing that the affair would undergo an investigation in the district court of the United States, the Department did not think it proper to order a military investigation.

I have the honor to be, yours, &c.,

J. C. CALHOUN.

To the SPEAKER of House of Reps.

FRIDAY, December 15.

The engrossed bills for the relief of Margaret Perry, and for the relief of William McIntosh, were severally read the third time, passed, and ordered to be sent to the Senate for concurrence.

MONDAY, December 18.

A new member, to wit, from Massachusetts, AARON HOBART, elected to supply the vacancy occasioned by the resignation of Zabdiel Sampson, appeared, was qualified, and took his seat.

Death of Mr. Hazard.

Mr. EDDY, of Rhode Island, rose, and briefly announced to the House the decease, on yesterday, of NATHANIEL HAZARD, Esq., a member of this House from the State of Rhode Island.

Whereupon, on motion of Mr. E., resolutions were unanimously adopted, expressive of the feelings of the House on this occasion; resolving to attend the funeral, this day, at two o'clock; appointing a committee to superintend the same; and resolving, also, as a testimony of respect for the memory of the deceased, to go into mourning, and wear a black crape round the left arm for thirty days.

Messrs. EDDY, MORTON, RUSS, SHAW, MALLARY, ARCHER of Maryland, and COOKE, were appointed a committee accordingly; and the House adjourned.

TUESDAY, December 19.

Occupation of the Columbia.

On motion of Mr. FLOYD, a committee was appointed to inquire into the situation of the settlements upon the Pacific Ocean, and the expediency of occupying the Columbia River. Mr. FLOYD, Mr. METCALFE, and Mr. SWEARINGEN, were appointed the said committee.

Mr. FLOYD submitted the following resolution, which, under the rule, will lie on the table for consideration until to-morrow.

DECEMBER, 1820.]

Bank Notes in Payment of Duties.

[H. OF R.]

Resolved, That the Secretary of the Department of War be required to lay before this House a statement of the number and situation of the military posts in the United States at this time; together with the distribution of the army; designating the number of men, also the number and rank of the officers at each place.

Hall of the House.

Mr. MEBOER submitted for consideration the following resolution:

Resolved, That the Committee on the Public Buildings be instructed to inquire into the practicability of making such alterations in the present structure of the Hall of the House of Representatives, as shall better adapt it to the purposes of a deliberative assembly; and, if no such alteration can be effected, to ascertain whether it be practicable to provide a suitable Hall in the centre building of the Capitol.

Mr. M. briefly explained his object in offering this resolve, which, it would be observed, proposed an inquiry merely. It was, he said, utterly impossible, as every gentleman's experience must have taught him, to hear more than one-half of the members who addressed the House, without changing one's seat for the purpose. For one, he declared, that, owing to this circumstance, he felt himself utterly incapable of discharging the duty imposed on him by his constituents. He had, he said, in anticipation of such a duty as he now proposed to devolve on the Committee on the Public Buildings, made it his business to examine the centre building. He had satisfied himself that the room intended for the Library, simpler in its structure than the present Hall, which was of a figure unfavorable to deliberation, would answer all the purposes of a Representative Chamber. It would be a room larger than that which often accommodates five hundred members in the British House of Commons; as large as that which has accommodated a more numerous body in Massachusetts; and larger than that which is occupied by a more numerous body than this in the State of Virginia.

The resolve for inquiry was adopted, as above stated, but not without opposing voices.

THURSDAY, December 21.

Death of Mr. Slocumb.

Little business was transacted in either House of Congress to-day, both bodies having adjourned at an early hour, to make arrangements to attend the funeral of a deceased member of the House of Representatives, and, as a mark of respect, usual on such occasions.

As soon as the Journal was read in the House of Representatives, Mr. SMITH, of North Carolina, rose, and announced to the House the decease of JESSE SLOCUMB, Esq., a member from the State of North Carolina; and, on the motion of Mr. SMITH, resolutions were then unanimously adopted expressive of the feelings of the House on this occasion; resolving to attend the funeral, this day, at three o'clock—appointing a committee to superintend the same—and

resolving, also, as a testimony of respect for the memory of the deceased, to go into mourning, and wear a black crape round the left arm for thirty days.

Messrs. SMITH, of North Carolina, BURTON, FISHER, HOOKS, SETTLE, WILLIAMS, of North Carolina, and DAVIDSON, were appointed the committee of arrangements.

On motion of Mr. SMITH, also, it was resolved that the Speaker of the House acquaint the Executive of the State of North Carolina, with the vacancy occasioned in the representation from that State by the death of Mr. SLOCUMB.

TUESDAY, December 26.

Death of Mr. Burrill.

The Secretary of the Senate then came in with a message, announcing the death of the Honorable JAMES BURRILL, Jr., a member of that body, and that his funeral would take place from the Senate Chamber, at half past ten o'clock to-morrow.

Whereupon, on motion of Mr. EDDY, it was—

Resolved, unanimously, That this House will attend the funeral of the Honorable JAMES BURRILL, Jr., late a member of the Senate from the State of Rhode Island, to-morrow, at half past ten o'clock, A. M.; and, as a testimony of respect for the memory of the deceased, will go into mourning, and wear crape for thirty days.

The House then adjourned to Thursday next.

THURSDAY, December 28.

Bank Notes in Payment of Duties.

Mr. LOWNDES submitted the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of providing that the notes of no banks by which notes below the amount of five dollars are, or may be, issued, shall be taken in payment of duties or debts to the Government of the United States.

In introducing the resolution, Mr. L. adverted to the viciousness of the currency where notes for dollars and parts of dollars supply the place of specie, as, where such notes are issued, they always will. He spoke also of the efforts made in some of the States, and now making in Virginia, to banish those notes from circulation—efforts which were always vain, so long as such notes were issued by neighboring States, &c. No authority but Congress, he contended, was competent to correct the evil in any manner; and, the object of his resolution being for inquiry only, he did not anticipate any sound objection to its adoption.

Mr. STORRS said he had no decided objection to inquiry into this subject, but he hoped the House would reflect on the effect which the adoption of the measure suggested would have, in giving a preference to the notes of the Bank of the United States over those of all other banks. He hoped that the Committee of Ways and Means, whose information on such subjects was so extensive,

would examine this question in all its bearings, and present their views of it to the House.

Mr. LOWNDES said it was hardly possible to suppose that the committee would not know, as every member of the House would see, that the effect of the adoption of such a measure must be favorable to some banks and unfavorable to others. But, Mr. L. said, there are many banks, and those among the best in the States, which do not issue notes of a less denomination than five dollars. It was for the Committee of Ways and Means to inquire whether the Government should not lend its aid to produce uniformity in this respect.

Mr. MEIGS agreed in opinion with his colleague, and was opposed even to authorizing an inquiry into this matter. When this great Bank of the United States had furnished the Union with a circulating medium of equal value in all parts of the Union, he might perhaps be inclined to give it further facilities; but, for the present, he would not, for one, consent to go further in this respect than Congress had already gone. The Secretary of the Treasury had already the power to forbid the reception of notes not in good credit, by the collectors, &c., which he had duly exercised. If a measure of the sort now proposed were to succeed, the notes of a great majority of the banks in the United States would cease to be receivable in payment of taxes, and would be driven from circulation. He could see no other effect which could flow from the adoption of the regulation suggested in the resolve, but to give an almost exclusive circulation to the notes of the Bank of the United States, and he was therefore opposed to the resolve.

Mr. SOUTHWARD spoke in favor of the resolve. He thought it was bad policy ever to have permitted the banks to issue notes of a less denomination than five dollars, and believed that such issues had a great agency in driving specie from circulation a few years ago. He was of opinion that excluding the small notes from circulation would restore specie to its former general currency.

Mr. LOWNDES spoke in reply to Mr. MEIGS, denying that the particular object of his motion was to benefit the United States Bank. Suppose no such bank were in existence, he said, and the interests of the country required that its currency should consist in part of gold and silver, and not of paper merely, would it not be well, under such circumstances, at least to inquire into the policy of prohibiting the circulation of notes of a denomination under five dollars—the effect of which measure would be to substitute specie, in part, for notes, in the circulating medium of the country? The object of the resolution was not to institute an inquiry in order to benefit the Bank of the United States; but, if it were the policy of the country to encourage the circulation of specie, which he presumed no man would doubt, he asked whether that policy ought to be disregarded, because a resort to it might incidentally benefit

the Bank of the United States? If it were true that the Bank of the United States had not afforded a circulating medium of equal value, &c., that itself would be an argument not against, but in favor of this inquiry.

Mr. MEIGS resumed the floor. The great Bank of the United States, he contended, had not fulfilled the duties which it was expected to have performed. There were a hundred banks in the States, he said, about the legality of whose institution there were no doubts, whose paper was as current and in as high credit as that of the Bank of the United States, and who issued notes of a less amount than five dollars. And why should they not? Was the circulating medium of the country intended only for men who deal in tens and hundreds of dollars? The object of this resolution, he said, was plainly neither more nor less than to restrain the circulation of the notes of banks issuing notes of less than five dollars, and of course to benefit the Bank of the United States by making its notes the only current paper. He was, therefore, yet decidedly opposed to this proposition.

Mr. TREMBLE said he should vote for the proposed inquiry, and regretted the opposition to it. The people of the United States, he said, expected that the National Government would make the inquiry, and do what appeared, on inquiry, to be within the scope of its power, to restore to this country a sound circulating medium. At a former session, a report had been made to this House, in which it had been suggested that a circulating medium might be established, to consist of small coins of convenient denominations. He presumed it was intended to take up the subject at the present session, and, if possible, to adopt some measure to carry that idea into effect. He observed, by the way, that with regard to the Bank of the United States, he was not much disposed to offer to it any advantages in addition to those which it already enjoyed. Adverting to what had fallen from other gentlemen respecting small banks and small bank notes, Mr. T. said that Congress had set the example to the States in establishing them; in this District, with a population of some thirty thousand, Congress had established twelve banks, and it had a branch of the Bank of the United States besides. Mr. T. here alluded to the miserable small notes in circulation in the District, respecting which he made a ludicrous comparison, which the reporter did not hear with sufficient distinctness to commit to paper. He hoped some measure would be adopted by Congress to effect a circulation of coins for all transactions under five dollars. It was expected from Congress. It was in the power of Congress alone to effect this object, and Congress had already too long delayed the exercise of the power.

Mr. SMITH, of Maryland, made a few remarks on the proposition before the House, the object of which he understood to be to exclude from circulation all bank notes under five dollars, with a view to introduce, in place of them, a

DECEMBER, 1830.]

Bank Notes in Payment of Duties.

[H. OF R.]

specie currency. Such a measure, Mr. S. believed, would have the effect to prevent the general exportation of specie whenever there was a demand for it abroad, by dispersing it over the country, in such a manner that it could not readily be gathered together in large sums. Mr. S. showed, by reference to what had taken place in different parts of the country, and more recently by voluntary arrangement of the banks in Baltimore, that such would be the effect of the exclusion of small notes from circulation. Whether it was politic to do, in this respect, what would have the appearance of striking at the State banks, was another question; there could be no doubt, however, of the authority of Congress in this regard within the District of Columbia, nor of the expediency of exercising it, &c.

Mr. SILSBEE made a few observations to the same effect as those of Mr. SMITH. He was in favor of the resolution, and believed that the sooner the circulation of these small notes was stopped the better it would be for the country.

Mr. MERCER, in expressing his approbation of the resolution, said he was surprised that the gentleman from Kentucky should have reflected so pointedly on the District of Columbia; for, as the old saying is, those who live in glass houses should not throw stones. Of the banks of this District, he would only say that he believed they were in a better state than any beyond the Alleghany mountains; and, with respect to the circulation of small notes within the District, the people of the District had been the first to direct the attention of Congress to the subject; and he intimated the hope that the session would not pass without making some provision to restrain these issues of notes, particularly by the corporations of the city and towns of the District. With respect to the Bank of the United States, Mr. M. said it had nothing to do with this question. Whenever that subject should properly present itself to the House, he should take the opportunity to offer some few remarks on the impolicy of affording further advantages to that already powerful institution.

Mr. BALDWIN said he was unwilling at any time to oppose a proposition having for its object an inquiry into the expediency of any measure. But this was an exception. It was the beginning of a system of legislation which looked towards an interference with the State banks. The next step might be, to propose that no notes of State banks should be received in payments to the United States. The same principle as is found in the proposition suggested in this resolution, would equally justify that legislation which he had just mentioned. It is best to stop, said Mr. B., before we begin this course. What we have already done has led to a question of the rights of States to lay taxes; in regard to which some think the judicial decision has been too much against the States. The Secretary of the Treasury, Mr. B. said, had already a discretionary power on this subject.

Why then should this House take the matter up, when the proposition submitted was at least of questionable character? He knew of no motive which could induce him ultimately to sanction the proposition; but, before he would even vote for an inquiry into it, he must have much stronger reasons in its favor than had yet been assigned.

Mr. TRIMBLE said he well recollected the proverb which the gentleman had quoted to him. The example of multiplying banks, however, was set by the Congress, and the people of Kentucky but followed it; and that example had a powerful effect. Whatever might be thought of Congress immediately around the Seat of Government, at a greater distance a very high opinion was entertained of them; and when they established the twelfth bank within this District, the people at a distance thought it a wonderfully wise measure, and the good people of Kentucky followed the example which Congress had set them. Congress, Mr. T. said, had set a pernicious example in this respect, and ought to be prompt in acknowledging their error, and retracting it as far as practicable. The adoption of this resolution would be one step towards doing so.

Mr. MERCER said, if the subject had been the policy of multiplying banks, he should have thought himself unhappy in the proverb he had brought to his aid. But the question was of the absence of specie, occasioned by the circulation of small notes; and Mr. M. said, that he believed in the State in which the gentleman from Kentucky resided, there is not a specie-paying bank, whilst there is not one in operation in this District which does not pay specie. Mr. M. made some further remarks in defence and support of State banks against the Bank of the United States. He was opposed to one bank in a country, as he was to one head in a monarchy, &c., and was as much opposed as any one to subjecting the State banks to the sway of the great banking institution of the country.

Mr. BURTON said it appeared to him that the gentleman from Pennsylvania (Mr. BALDWIN) had placed this subject on its proper basis. If Congress had the power to interfere with the circulation of one dollar notes of the State banks, it certainly had the same power in regard to all the notes of State banks. Mr. B. was opposed to the resolution. The substitution of specie for small notes was a matter to be regulated by public opinion. When specie vanished some years ago, the issue of small notes was indispensable; on the other hand, when specie became plentiful in the cities, public opinion there corrected the evil. If we adopt the resolution, said Mr. B., we at once commence an attack on the State banks, and there is no knowing where it will end.

Mr. LIVERMORE said, for his part, that he considered it improper to attempt indirectly a measure which could not be directly approached. Such, he said, would be the effect of the adoption of the resolve now proposed. Every

State in the Union had authority to do, by direct legislation, what it was now proposed to do indirectly. Mr. L. was, therefore, for leaving this matter wholly to the State Legislatures. In Pennsylvania a law had been passed prohibiting the circulation of notes for less than five dollars. In other States the same have been done. In New Hampshire, though attempts had been made to effect this object, the laws had been afterwards repealed. Let each State, said Mr. L., regulate this matter for itself. It was not pretended, he said, that the proposed measure was necessary in aid of the collection of the revenue. On the other hand, if it became necessary to resort to internal taxation, it would be indispensable to have small bills in circulation, without which the revenue could not be collected. Silver and gold, Mr. L. said, would forever centre in the cities; they would not remain in the remote parts of the country, and, in their absence, small bills were indispensable. He hoped, therefore, that the country banks would not be prevented from issuing them.

Mr. COBB was surprised at the nature of the objections to this resolution, which proposed to establish no principle, but merely to make an inquiry. What was the object of the resolution? It was to inquire into the expediency of a measure which, if adopted, would probably have the effect to force a general specie currency. Certainly, if it had that effect, a great benefit would result to society from its adoption; because specie is subject to no variation, and will answer all purposes in all places, which paper currency will not. He could not see that, by this measure, the United States Bank was to be benefited either one way or another; and, as to the abstract policy of the proposed measure, he did not see how a doubt could exist.

The question was then taken on agreeing to Mr. LOWNDES's resolution, and decided in the affirmative—59 votes to 40.

FRIDAY, December 29.

Another member to wit, from the State of Ohio, SAMUEL HERRICK, appeared, and took his seat.

WEDNESDAY, January 15, 1821.

Military Academy.

Mr. CANNON submitted the following resolution, which was read, and ordered to lie on the table one day for consideration:

Resolved, That the Secretary of War be directed to lay before this House a statement of the number of cadets educated at the Military Academy that have remained in the service of the United States five years; also, the number that have received commissions, and have resigned before the expiration of five years; also, the number that have left the Military Academy without commissions, and the amount of money that has been paid to each one; also, the sums of money that have been paid to cadets who were permitted to stay at home (if any) for the time

between their appointment and that of their being mustered at the academy; also, the whole number educated at the academy, who were in the service of the United States during the late war; and the number of those, thus engaged in the service, who were in any battle or battles fought during said time with the enemies of our country; also, the whole expense of maintaining officers and instructors of the academy each year, since the year 1802; the whole expense of ammunition and soldiers that have been placed at the academy, for their assistance, since its first establishment; also, how far martial law has been carried into effect there, and whether, or not, the professors and teachers are, or have been, under martial law, and whether, or not, any of the cadets have been sent from said academy, or dismissed by order of the superintendent, or any other officer, without a trial, or any specific charge being proved against them; also, how many foreigners are professors or teachers in said academy; and the number of cadets, if any, that have been admitted into the same from the families of foreigners.

Reduction of Expenditures.

The House having resolved itself into a Committee of the Whole on the state of the Union, took into consideration the following resolutions:

1. *Resolved*, That it is expedient that the annual expenses of the Government should be reduced; that, for the accomplishment of this object, it is further,

2. *Resolved*, That all such offices as are not immediately necessary for the transaction of public business, and the abolition of which would not be detrimental to the public interests, shall be abolished.

3. *Resolved*, That the salaries of all civil officers, whose compensation has been increased since the year 1809, shall be reduced to what they were at that period.

4. *Resolved*, That it is expedient to reduce the Army to the number of six thousand non-commissioned officers, musicians, and privates, preserving such part of the corps of engineers, without regard to that number, as may be required by the public interest; and including such reduction of the general staff as may be required by the state of the Army when reduced as herein proposed.

5. *Resolved*, That it is expedient that the appropriations for the erection of fortifications shall be so made as to require a less sum annually, by extending the time within which they shall be completed.

6. *Resolved*, That the act making an appropriation of one million of dollars per annum for the increase of the Navy, be so amended as to extend the time within which such increase shall be made, and to reduce the annual appropriation to the sum of five hundred thousand dollars.

7. *Resolved*, That it is expedient to recall from active service one-half of the naval force now employed, and to place the same in ordinary.

And the same having been read—

•Mr. COBB, of Georgia, rose and addressed the Chair as follows:

Mr. Chairman: The task which I have undertaken, to investigate all the subjects involved in the resolutions just read, would be a fearful one, to heads much more profound than mine. But, as I am well convinced that the

JANUARY, 1821.]

Reduction of Expenditures.

[H. OF R.]

committee are not prepared to expect a display of any profound ideas from me, I deem an apology for the very imperfect views which I shall offer quite unnecessary.

Broad as the resolutions would appear, they are defective, in not embracing all the objects upon which I mean to touch in the course of my remarks. For this reason I shall take the liberty of offering one or two amendments before the investigation of them shall be closed.

I think the preference which is to be given to the form in which these resolutions have been introduced, will be obvious. They admit of the committee's taking a full view of the state of the nation. They admit of an inquiry into the financial resources of the country, and of the sources from which revenue is derived by the existing laws; into the extent of the various establishments requiring the expenditure of the public money; the necessity and usefulness of them, and the adequacy of the revenue to their maintenance; whether they are to be supported by the imposition of additional burdens upon the people, in the shape of loans or taxes, or whether the interests and true policy of the nation would not rather point to their reduction in preference to such a resort. The importance of the question involved in such an inquiry will not be denied. Attempts at a partial view of them, and at making partial reductions in the public expenses, are always attended with the danger of doing nothing, or of running into an extreme parsimony in relation to particular objects. It is the duty of the Legislature to determine what shall be the "portion of the produce of the land and labor of the country to be placed at the disposition of Government." This must be determined by the capacity of the people to contribute this portion. When, however, it is ascertained, it is right that you should have before your eyes all the objects of expenditure, before you will be able properly to distribute it among the several objects.

By what principles the Legislature of this nation shall be governed in determining this "portion of the product of land and labor," (which is only a definition of what are called taxes,) has been a subject of great discussion and contrariety of opinion, from the institution of the Government to the present day. My opinion upon the subject can be expressed in a very few words: The people of that nation are happiest whose rights are protected at the least expense, with the least danger from the instruments of protection, and where there are the fewest obstacles created, by law, to the exercise of individual industry, and the display of individual enterprise. I can scarcely conceive of controversy upon a position so reasonable and plain.

We boast that our form of government best admits of reducing the principle I have stated into practice. I very much fear that history has yet to determine, from our conduct, whether, like the Athenians in relation to politeness,

we shall show that we only know it, or, like the Lacedaemonians, we practise it. That we have an idea of it I think is very evident; for no people under the sun boast more of their national simplicity, frugality, and economy than we do, even at the very moment that an increase of the public burdens is required to defray the ordinary expenses of the year. To prove a conformity between the boast and the fact, is a task I have no disposition to undertake.

Admitting the practicability of economical principles, (which, so far from denying, I shall attempt, before I conclude, to prove,) I will take the liberty to say, that in no nation can taxation be rendered more oppressive than in ours. This arises from our form of Government; from that "*imperium in imperio*," that exercise of two distinct kinds of sovereignty by the same people, of which we are so proud. The affairs of the Confederacy are administered by one body of magistracy, under the Federal Constitution, and must be supported in its expenses. The government of each State, in whose care is confided the greatest portion of the people's rights, is conducted by another body of magistracy, and must also be supported. The expenses of either government, taken separately, have nothing alarming in their amount. If added together, they are swelled to an enormous sum, and it requires but little augmentation to make them onerous indeed. Suppose the General Government should determine upon some grand and expensive political scheme, the execution of which requires an increase of revenue; for instance, a magnificent scheme of internal improvements, in favor of which a vote of this House has already been had; and that one of the States, say New York, determines on a similar scheme, as she has done, also requiring an increase of State revenue; is it not obvious that the burdens of the people of that State would be rapidly increased? I have alluded to this scheme of internal improvements only by way of exemplifying my ideas. If, however, the view is extended to all the powers which may be exercised by each sovereignty, requiring the expenditure of money, it will be seen that the adoption of but very few of these magnificent schemes will make the public burdens alarmingly oppressive, and destructive of a large share of our comforts.

The facility with which this state of things could be produced, was most distinctly perceived by the people who authorized the formation of the Federal Constitution, and by whose authority it was put in operation. The old Federal Government asked of the States the power to impose a very small tax on commerce. The convention which met to confer that power produced the Federal Constitution as the result of their labors, and submitted it to the people for their ratification. In their examinations of this instrument, they could but see how injuriously the unlimited power of taxation therein conferred might be exercised.

Gentlemen can see, by turning to the various acts of ratification, how many of the States, by express declarations and limitations, attempted to guard against the abuse of the powers conferred upon the Federal Government, and to settle the principles of policy by which the agents employed in the administration of that government should be guided. These acts speak a language that cannot be misunderstood; and let it be remembered, that this language is held by the people by whom the Federal Constitution was made and ratified to their servants thereafter to be appointed to execute the purposes of it. It is in these acts that we shall first discover the marks of distinction between what has since been appropriately denominated the ordinary and extraordinary sources of revenue. By the first was meant the revenue derived from commerce, to which has since been added the price of the public lands, and, by the second, internal taxes in the broadest sense of the term. Here it is that we see the makers of the constitution declaring that "standing armies in time of peace are dangerous to liberty," and that the defence of the country shall rest upon the militia. Here, in short, we shall see asserted and dictated, in the plainest terms, all those principles of economy and rules of political conduct which I am attempting to advocate. To read the whole of these ratifications would tax the patience of the committee more than I wish; but I pray their indulgence in reading one or two of them. The ratification of New York contains the following expressions: "That the people have a right to keep and bear arms; that a well-regulated militia, including the body of the people capable of bearing arms, is the proper, natural, and safe defence of a free State." "That standing armies, in times of peace, are dangerous to liberty, and ought not to be kept up, except in cases of necessity, and that at all times the military should be under strict subordination to the civil power." "That Congress will not lay direct taxes in this State, but when moneys arising from the imposts and excise shall be insufficient for the public exigencies, nor then, until Congress shall first have made a requisition upon the State to assess, levy, and pay the amount of such requisition," &c.* On this last subject the language of the ratification of North Carolina is as follows: "When Congress shall lay direct taxes or excises, they shall immediately inform the executive power of each State," &c.† Such, sir, was the jealousy displayed by the people of the States—parties to the constitution—in relation to the subject of internal taxes. That they intended that the General Government should rely only upon the imposts for defraying the expenses in times of peace, cannot admit a doubt. If, however, the public exigencies—if a state of war, or other extraordinary circumstance,

should require it, then, and not till then, was resort to be had to other sources of revenue, so long as the necessity should continue. What was it, sir, but a departure from those principles, and some others prescribed in the same imperative manner, that caused the people, at a later period in the Government, to withdraw their confidence from their agents then in the administration of affairs, and to substitute Mr. Jefferson and his friends in their places? The mention of the name of this distinguished man leads me to call the attention of the committee to certain opinions of his, in corroboration of the ideas I have advanced; not because they are his opinions, but because they were those of the people at that period. They will also be found in the writings and speeches of the "conscript fathers," and the reports and proceedings of Congress of that day. Mr. Jefferson's opinions were then considered as the test of political orthodoxy. I am aware, sir, there has since been a considerable change in the times, and that, in this change, men have not been able to preserve a uniformity of political visage. But, if his principles were then founded in truth and political propriety, they are now equally worthy of being adopted in practice. Such is certainly my opinion of them, and, therefore, I shall not relinquish them. In his inaugural speech, among other principles advanced by him, are the following: "A well-disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts, and sacred preservation of the public faith; encouragement of agriculture, and of commerce, as its handmaid;" (the word *manufactures* is not to be found in the sentence—should it hereafter creep in, I hope it will be understood to be an interpolation,) "the diffusion of information, and the arraignment of all abuses at the bar of the public reason; freedom of religion—freedom of the press—and freedom of persons under the protection of the *habeas corpus*; and trial by juries impartially selected."

These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment; they should be the creed of our political faith, the text of civic institutions, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty, and safety. How beautiful the style—how much more beautiful the principles! It would be a speculation not entirely fruitless to compare our present political course with that of the administration just previous to the delivery of this speech, and test its correctness by the "touchstone" of these principles. Then an army in time of profound peace was

* See Journal of the Federal Constitution, pages 427, 481.

† Ibid, page 444. Nearly the same language is used in the ratifications of Massachusetts, New Hampshire, Virginia, South Carolina, and Rhode Island.

JANUARY, 1831.]

Missouri—Her Anomalous Position.

[H. OF R.]

deemed proper—so it is now. Then an expensive navy was to be created and supported—so it is now. Then a large debt was not considered a national curse—nor is it now. Then a latitudinous construction of the constitution was the fashionable doctrine—so it is now, by more than one solemn vote of this House. Then a sedition law was both proper and constitutional.* In another branch of the Legislature they have lately said it was not unconstitutional. The comparison might be urged much farther, but I will not pursue it.

In his first Message to Congress, Mr. Jefferson speaks the following language:

“War, indeed, and untoward events, may change this prospect of things, and call for expenses which the *imports could not meet*. But, sound principles will not justify our taxing the industry of our fellow-citizens to accumulate treasure for wars to happen we know not when, and which might not, perhaps, happen, but from the temptations offered by that treasure.

“These views, however, of reducing our burdens, are formed on the expectation that a *sensible*, and at the same time a *salutary* reduction, may take place in our habitual expenditures. For this purpose those of the Civil Government, the Army, and Navy, will need revision. When we consider that this Government is charged with the external and mutual relations only of these States; that the States themselves have the principal care of our persons, our property, and our reputation, constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive; whether officers and offices have not been multiplied unnecessarily, and sometimes injuriously to the service they were meant to promote.”

I beg pardon of the committee for having detained them so long by reading these extracts. But really they are so applicable to the present situation of the nation, that they seem to be addressed to us with equal propriety as to the Congress for whom they were intended. Yes, sir, if a system of economy were not recommended to us by its evident propriety, under the most favorable circumstances, we are now driven to its adoption by the embarrassments by which we are surrounded. What is our present condition? What is the state of the nation?

We have an army, which, with its various appendages, is more numerous than it ever was before in a time of peace.

We have a navy, the force and expense of which have almost quadrupled in ten years.

We have a pension list, whose rapid growth and extended length should affright us.

We have a civil list of constantly increasing expense.

We have a national debt of \$90,000,000, which, to say the least of it, is not diminishing, and the interest upon which requires more than one-fourth of the estimated receipts into the Treasury for the present year.

* The Senate refused to refund to Matthew Lyon a fine imposed on him under the Sedition law.

And, to crown the whole, for the last and the present year, the annual revenue calculated to be received, by official reports submitted to our inspection, is insufficient to support these establishments, by millions of dollars.

However coolly some may affect to view this state of things, to me it presents a subject of the most lively interest. It is, at least, sufficiently gloomy to urge us to a review of our policy, and to correct its errors, if any there are. This is a duty which the nation expects us to perform, and let us not shrink from the task.

WEDNESDAY, JANUARY 15.

Missouri—Her Anomalous Position.

Mr. ARCHER, of Virginia, read from his seat the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire whether there be at this time existing, and in force, in Missouri, any legal tribunals or tribunal, derived from the authority of the United States, invested with competent jurisdiction and powers for the examination and determination of cases of controversy which have arisen, or may arise therein, under the Constitution, laws, or treaties of the United States, or controversies to which the United States are or may become a party; and if there be no such tribunals or tribunal, then to report to this House the provisions and measures which, in their opinion, may be necessary to be adopted by Congress, for causing the authority of the Government and laws of the United States to be respected, and for assuring protection to the property and other rights of the United States, and of their citizens, within Missouri.

Before forwarding the motion to the Chair, Mr. A. stated the motives which induced him to offer it. Whatever might be the situation of Missouri with respect to this Government, the propriety remained the same of instituting the inquiry he proposed, and of adopting the resolution. He must be candid enough to state, however, that to him it appeared that Missouri stood entirely disconnected from any legal or political relation with this Government. With our own hands, said Mr. A., we have cut all the moorings which attached her to it, and she floats entirely liberated and at large. She stood formerly in the relation of a Territory to the United States; she had proposed to assume the new relation of a State of the Union. This House had refused her permission to do so, and, Mr. A. said, she stands discharged from all relation to the Union. It was vain to tell him that Missouri was a Territory. Such an assertion was disproved by the fact, known to every one, that she had discarded every attribute of that character. The concession which Congress made to Missouri at the last session, Mr. A. said, consisted of two parts: the permission to depart from the existing relations of a Territory, and the permission to assume, under certain conditions, the relations of a member of the Confederacy. She must have departed

from the relation of a Territory before she could have availed herself of the second part of the concession to her. What is it that Congress can admit into the Union? Not a Territory, but a State. Missouri was therefore obliged to cease to be a Territory before she could be in a condition to claim admission into the Union; and she became a State. Not only, then, in point of fact, but in legal acceptance, Missouri is no longer a Territory.

Mr. A. said he was not intimating, nor would he be understood as intimating, that the people of Missouri wished to be permanently disconnected from the Union. He was assured she was attached to the Union by feelings generated by her descent from it, and by a true reverence for the principles of its institutions. Nor did he say that she had shown any disposition to throw off the yoke of allegiance to the Union; it was this House which had itself cut loose the harness, and thrown away the reins. Mr. A. went on to say, that, if Congress could act at all at present with reference to Missouri, such was now her condition, that it could not act by law, but must act by force. The authority of the Union might hang over her, but there was no legal modes by which it could be exercised. All its ordinary and regular conductors were broken off. With regard to Missouri, Mr. A. said the citizens of the United States had individual rights, which it was the duty of Congress to secure. Many of them, for example, had received donations of land in that Territory, in requital of their services, of their blood, and of the glory they had acquired for their country. Congress were bound, by the most sacred of all obligations, to insure protection to those rights. The question, therefore, which he wished to present to the consideration of gentlemen was this: Where are the tribunals and methods by which these and other rights can be protected—where the channels by which the authority of the Government can be enforced? No man could say that there existed such tribunals or channels for the enforcement of our authority. My proposition, said Mr. A., is not presented because of any peculiar situation of Missouri, but because of the ambiguity of it—because no man can say what it is. Suppose, he said, that he was right in his opinion of the condition of Missouri; every one would say that an inquiry ought to be instituted with the view to establish some bonds of relation between Missouri and this Government. But, suppose that he were mistaken on this point; the inquiry would yet be proper, in order to remove the doubts which he and others entertained. In every view in which he considered the subject, he thought the inquiry ought to take place. He did not propose that this inquiry should be committed to himself, or to those who agreed with him in opinion, but he proposed to refer it to a standing committee of the House, which might reasonably be supposed to be an impartial tribunal, and at the head of which (Mr. SERGEANT) was one of the most

prominent of those who differed from him in opinion on this topic.

Mr. A. said he was far from supposing that there would be any opposition to this proposition; but, if there were, he would say to the opponents of it, that they had taken upon themselves to direct the course of our legislation on this subject, and, if they had not foundered, they had at least brought us into the neighborhood of shoals and breakers. If gentlemen who constitute the late majority of this House were to refuse to agree to the proposed inquiry, he would then say, what he was now very far from saying, that they were afraid to pursue the principle of their own vote in its operation, and to stand confronted with the results.

The resolution having been read from the Chair—

Mr. SERGEANT suggested that the resolution was one of such a description as ought not to be acted upon without affording an opportunity to every member of the House to vote upon it. He therefore moved that it lie on the table.

Mr. CORB said it was a very unusual course to move to lay on the table a resolve proposing inquiry merely. It would seem almost a matter of course to agree to such a resolution moved by any gentleman. When the committee should report would be the time for deciding any principle involved in this proposition.

Mr. SERGEANT said, if this were a simple proposition for inquiry, in the ordinary shape of such propositions, there would be no force in the remark of the gentleman from Georgia. But, Mr. S. said, he thought it perfectly plain and obvious that this resolution assumed, as the groundwork of it, certain opinions in regard to Missouri, about which the sentiments of the members of this House had already been more or less expressed. It was taken for granted, no doubt, by the mover, and his proposition assumed it as a fact, that, in consequence of something which has happened, a change has been produced in the position of Missouri in regard to the Union, which renders it necessary that there should be new legislation in regard to it; and it of course took for granted what had been a source of litigation certainly, and what a large portion of this House will not accede to. If a question existed whether the relation of Missouri to the Union be thus changed, it was a question which ought to be discussed and decided in this House, before a committee was charged with it in any shape. The inquiry whether the relation of Missouri to the Union be in reality changed, must precede the adoption of a resolution such as this is, which assumes that a new code of laws is necessary for its government. He thought this House ought not at once, without notice, to go into the discussion of the question whether Missouri has or has not changed her condition. So strongly impressed was he with this opinion, that he had moved to lay the resolution on the table; and, if the discussion were pressed at this time, he should certainly vote against the resolution.

JANUARY, 1821.]

Missouri—Her Anomalous Position.

[H. OF R.]

Mr. LOWMEDE said he had hoped the resolution would have appeared to the House to be such a one as did not involve any of the questions which had been suggested. As, however, time was desired, he hoped the gentleman from Virginia would consent to its lying on the table until to-morrow. But assuredly, Mr. L. said, it did not involve any such question as had been supposed. It proposes an inquiry into the matter of fact, whether there now exists a tribunal in Missouri adequate to particular objects. It proceeds on the supposition that every party in the House is desirous to know the actual relation which Missouri bears to the Union—to decide whether it be necessary to legislate or not to legislate on the subject; not only to ascertain what is the relation between Missouri and the Union, but what it may be proper to do, if any thing, in consequence of the fact thus to be ascertained. Whilst, however, Mr. L. said, he believed that resolutions of inquiry ought in general to be assented to without objection, and whilst he believed this to be of that character merely, yet if, from the terms of the resolution, it should appear to any member, and most of all it appeared to a member of the committee to whom it was proposed to assign the consideration of the subject, that it involved an important principle, he admitted it would be proper to give time for the consideration of it.

Mr. GEORGE, of New York, said, that though he presumed he entertained, with respect to the answer which ought to be given to this resolution, the same opinion as the gentleman at the head of the Judiciary Committee, he was ready to act upon it without delay. If he believed that it took any thing for granted, particularly if he believed that it took for granted that there was no legal tribunal by which such questions could be settled, he should certainly vote for laying it on the table, and finally against the resolution. But, as he was of a different opinion, he should vote for the resolution, and against laying it on the table. It would be well recollected, he said, that during the discussion of the subject at the present session, the position had been taken that Missouri was a State, and that, though admitted into the Union, she was an independent State. This position was taken by a gentleman whose weight of character and talents gave a color to whatever he should advance. For his part, Mr. G. said, when the question on the admission of Missouri was before the House, he had made up his mind on the subject of this resolution. He hoped that, if the resolution passed, the true answer would be given, and he was therefore in favor of the resolution.

Mr. FLOYD said it was a very unusual thing for the House to hesitate in respect to motions for inquiry. He was glad to find that the gentleman from New York thought so clearly on the subject. As this was an important subject, he wished to record his opinion on the postponement, and therefore required that the question should be decided by yeas and nays.

The yeas and nays having been ordered—

Mr. AROHER, of Virginia, said, if the wish of the gentleman from Pennsylvania for delay were pressed, though it was so unusual a course, he should be bound, by considerations of courtesy, to accede to the motion now before the House. He was rather disposed, however, to take the same view of this matter as had been taken by the gentleman from New York, that every one, before he gave a vote against the admission of Missouri, must have foreseen the necessity for a resolution and inquiry of this sort. Every member of the majority of the House must have known that the question must have come upon him in some shape or other, and must therefore have been prepared for it. With regard to the character of this proposition, it was not novel. If the facts should be ascertained as the gentleman from New York supposed, there would be no occasion for any expression of the opinion of the Judiciary Committee as to what ought to be done, &c.

Mr. FULLER made a few remarks to the effect that he did not consider it of much importance whether the resolution passed to-day or to-morrow; that he had examined it, and had no great objection to it; but, only to save the needless trouble of calling the yeas and nays, he hoped the gentleman from Virginia would withdraw his objection to laying it on the table.

Mr. AROHER said he had already done so, if the gentleman from Pennsylvania pressed it, though such a course was not usual, nor in his opinion necessary in this case.

Mr. SERGEANT said that the gentlemen from South Carolina and Virginia had concurred in considering this resolution as proposing an inquiry into a matter of fact. Mr. S. said, if he understood this resolution at all, it proposed an inquiry, not into a matter of fact, but a matter of law, and that matter of law involving a point on which there was known to be more or less difference of opinion in this House. The question, whether there now exists a tribunal in Missouri, was not a question of fact, but it was a question of law. It was not a question whether tribunals heretofore have existed, but whether they do now exist. There was an objection to referring to a committee an inquiry into a matter of law, which is not to be tested by evidence, &c., but must depend upon opinion, which every member in his place would form as well as a committee, whose report on such a subject would only leave the question where it stood before. With respect to what is to be done in relation to Missouri, it must be perfectly obvious that this cannot be ascertained until the sense of the House is ascertained on the previous question; and the clear course would be to ascertain the sense of the House, and then send the matter to a committee to report such bills as should be calculated to give effect to it. He did not know that, on further examination, the resolution might be liable to the objection he now felt to it; but he wished time to decide that point.

from the relation of a Territory before she could have availed herself of the second part of the concession to her. What is it that Congress can admit into the Union? Not a Territory, but a State. Missouri was therefore obliged to cease to be a Territory before she could be in a condition to claim admission into the Union; and she became a State. Not only, then, in point of fact, but in legal acceptation, Missouri is no longer a Territory.

Mr. A. said he was not intimating, nor would he be understood as intimating, that the people of Missouri wished to be permanently disconnected from the Union. He was assured she was attached to the Union by feelings generated by her descent from it, and by a true reverence for the principles of its institutions. Nor did he say that she had shown any disposition to throw off the yoke of allegiance to the Union; it was this House which had itself out loose the harness, and thrown away the reins. Mr. A. went on to say, that, if Congress could act at all at present with reference to Missouri, such was now her condition, that it could not act by law, but must act by force. The authority of the Union might hang over her, but there was no legal modes by which it could be exercised. All its ordinary and regular conductors were broken off. With regard to Missouri, Mr. A. said the citizens of the United States had individual rights, which it was the duty of Congress to secure. Many of them, for example, had received donations of land in that Territory, in requital of their services, of their blood, and of the glory they had acquired for their country. Congress were bound, by the most sacred of all obligations, to insure protection to those rights. The question, therefore, which he wished to present to the consideration of gentlemen was this: Where are the tribunals and methods by which these and other rights can be protected—where the channels by which the authority of the Government can be enforced? No man could say that there existed such tribunals or channels for the enforcement of our authority. My proposition, said Mr. A., is not presented because of any peculiar situation of Missouri, but because of the ambiguity of it—because no man can say what it is. Suppose, he said, that he was right in his opinion of the condition of Missouri; every one would say that an inquiry ought to be instituted with the view to establish some bonds of relation between Missouri and this Government. But, suppose that he were mistaken on this point; the inquiry would yet be proper, in order to remove the doubts which he and others entertained. In every view in which he considered the subject, he thought the inquiry ought to take place. He did not propose that this inquiry should be committed to himself, or to those who agreed with him in opinion, but he proposed to refer it to a standing committee of the House, which might reasonably be supposed to be an impartial tribunal, and at the head of which (Mr. SERGEANT) was one of the most

prominent of those who differed from him in opinion on this topic.

Mr. A. said he was far from supposing that there would be any opposition to this proposition; but, if there were, he would say to the opponents of it, that they had taken upon themselves to direct the course of our legislation on this subject, and, if they had not foundered, they had at least brought us into the neighborhood of shoals and breakers. If gentlemen who constitute the late majority of this House were to refuse to agree to the proposed inquiry, he would then say, what he was now very far from saying, that they were afraid to pursue the principle of their own vote in its operation, and to stand confronted with the results.

The resolution having been read from the Chair—

Mr. SERGEANT suggested that the resolution was one of such a description as ought not to be acted upon without affording an opportunity to every member of the House to vote upon it. He therefore moved that it lie on the table.

Mr. COBB said it was a very unusual course to move to lay on the table a resolve proposing inquiry merely. It would seem almost a matter of course to agree to such a resolution moved by any gentleman. When the committee should report would be the time for deciding any principle involved in this proposition.

Mr. SERGEANT said, if this were a simple proposition for inquiry, in the ordinary shape of such propositions, there would be no force in the remark of the gentleman from Georgia. But, Mr. S. said, he thought it perfectly plain and obvious that this resolution assumed, as the groundwork of it, certain opinions in regard to Missouri, about which the sentiments of the members of this House had already been more or less expressed. It was taken for granted, no doubt, by the mover, and his proposition assumed it as a fact, that, in consequence of something which has happened, a change has been produced in the position of Missouri in regard to the Union, which renders it necessary that there should be new legislation in regard to it; and it of course took for granted what had been a source of litigation certainly, and what a large portion of this House will not accede to. If a question existed whether the relation of Missouri to the Union be thus changed, it was a question which ought to be discussed and decided in this House, before a committee was charged with it in any shape. The inquiry whether the relation of Missouri to the Union be in reality changed, must precede the adoption of a resolution such as this is, which assumes that a new code of laws is necessary for its government. He thought this House ought not at once, without notice, to go into the discussion of the question whether Missouri has or has not changed her condition. So strongly impressed was he with this opinion, that he had moved to lay the resolution on the table; and, if the discussion were pressed at this time, he should certainly vote against the resolution.

JANUARY, 1821.]

Missouri—Her Anomalous Position.

[H. OF R.]

Mr. LOWNDES said he had hoped the resolution would have appeared to the House to be such a one as did not involve any of the questions which had been suggested. As, however, time was desired, he hoped the gentleman from Virginia would consent to its lying on the table until to-morrow. But assuredly, Mr. L. said, it did not involve any such question as had been supposed. It proposes an inquiry into the matter of fact, whether there now exists a tribunal in Missouri adequate to particular objects. It proceeds on the supposition that every party in the House is desirous to know the actual relation which Missouri bears to the Union—to decide whether it be necessary to legislate or not to legislate on the subject; not only to ascertain what is the relation between Missouri and the Union, but what it may be proper to do, if any thing, in consequence of the fact thus to be ascertained. Whilst, however, Mr. L. said, he believed that resolutions of inquiry ought in general to be assented to without objection, and whilst he believed this to be of that character merely, yet if, from the terms of the resolution, it should appear to any member, and most of all it appeared to a member of the committee to whom it was proposed to assign the consideration of the subject, that it involved an important principle, he admitted it would be proper to give time for the consideration of it.

Mr. GROES, of New York, said, that though he presumed he entertained, with respect to the answer which ought to be given to this resolution, the same opinion as the gentleman at the head of the Judiciary Committee, he was ready to act upon it without delay. If he believed that it took any thing for granted, particularly if he believed that it took for granted that there was no legal tribunal by which such questions could be settled, he should certainly vote for laying it on the table, and finally against the resolution. But, as he was of a different opinion, he should vote for the resolution, and against laying it on the table. It would be well recollected, he said, that during the discussion of the subject at the present session, the position had been taken that Missouri was a State, and that, though admitted into the Union, she was an independent State. This position was taken by a gentleman whose weight of character and talents gave a color to whatever he should advance. For his part, Mr. G. said, when the question on the admission of Missouri was before the House, he had made up his mind on the subject of this resolution. He hoped that, if the resolution passed, the true answer would be given, and he was therefore in favor of the resolution.

Mr. FLOYD said it was a very unusual thing for the House to hesitate in respect to motions for inquiry. He was glad to find that the gentleman from New York thought so clearly on the subject. As this was an important subject, he wished to record his opinion on the postponement, and therefore required that the question should be decided by yeas and nays.

The yeas and nays having been ordered—

Mr. AROHER, of Virginia, said, if the wish of the gentleman from Pennsylvania for delay were pressed, though it was so unusual a course, he should be bound, by considerations of courtesy, to accede to the motion now before the House. He was rather disposed, however, to take the same view of this matter as had been taken by the gentleman from New York, that every one, before he gave a vote against the admission of Missouri, must have foreseen the necessity for a resolution and inquiry of this sort. Every member of the majority of the House must have known that the question must have come upon him in some shape or other, and must therefore have been prepared for it. With regard to the character of this proposition, it was not novel. If the facts should be ascertained as the gentleman from New York supposed, there would be no occasion for any expression of the opinion of the Judiciary Committee as to what ought to be done, &c.

Mr. FULLER made a few remarks to the effect that he did not consider it of much importance whether the resolution passed to-day or to-morrow; that he had examined it, and had no great objection to it; but, only to save the needless trouble of calling the yeas and nays, he hoped the gentleman from Virginia would withdraw his objection to laying it on the table.

Mr. AROHER said he had already done so, if the gentleman from Pennsylvania pressed it, though such a course was not usual, nor in his opinion necessary in this case.

Mr. SERGEANT said that the gentlemen from South Carolina and Virginia had concurred in considering this resolution as proposing an inquiry into a matter of fact. Mr. S. said, if he understood this resolution at all, it proposed an inquiry, not into a matter of fact, but a matter of law, and that matter of law involving a point on which there was known to be more or less difference of opinion in this House. The question, whether there now exists a tribunal in Missouri, was not a question of fact, but it was a question of law. It was not a question whether tribunals heretofore have existed, but whether they do now exist. There was an objection to referring to a committee an inquiry into a matter of law, which is not to be tested by evidence, &c., but must depend upon opinion, which every member in his place would form as well as a committee, whose report on such a subject would only leave the question where it stood before. With respect to what is to be done in relation to Missouri, it must be perfectly obvious that this cannot be ascertained until the sense of the House is ascertained on the previous question; and the clear course would be to ascertain the sense of the House, and then send the matter to a committee to report such bills as should be calculated to give effect to it. He did not know that, on further examination, the resolution might be liable to the objection he now felt to it; but he wished time to decide that point.

Mr. STORRS wished the resolution to lie on the table, for this reason—that he wished gentlemen to have time to obtain the necessary information to enable them to act on the subject. He had himself no information whatever which went to show that Missouri was not in the same situation now that she had been for the few years past, except that her convention had met, and agreed upon a form for her future government. He did not say that he had not heard, out of doors, that she had elected a Governor, Legislature, &c. But he did not wish to proceed to the consideration of this resolution until the information was given to him officially, on which he was to act. A resolution addressed to the Executive, who was charged with the execution of the laws of the United States, would, he supposed, elicit the necessary information. For aught we know officially, said Mr. S., the officers of the United States in that Territory may be at this moment in the full discharge of all their functions. He could not consent to assume it as a fact, that the authority of the United States in Missouri was in full operation. He could not assume it as a fact, that the President has failed in his duty of appointing a Governor and other officers, in pursuance of the laws. By entertaining this inquiry, said Mr. S., the House would assume, in some degree, the duties of the Executive, and bring us in collision with that department. For his part, he said, he could not consent that this House should thus take upon itself the responsibility which belonged to another department of the Government. Whenever the authority of the United States in Missouri was set at defiance, or whenever, from any cause whatever, the authority of the United States in that Territory should be at an end, he presumed Congress would receive from the Executive department information of it. Until such information was received, he could not agree to consider the subject. When it did come, he reserved to himself to decide what course ought to be taken. But the proper course for gentlemen at the present time appeared to him to be, to call on the Executive to inform the House whether the laws of the United States were at present duly executed in Missouri, &c. If the President should say, in reply, that the laws are not executed, and our authority not in existence, it would then be time enough to refer the subject to a committee.

Mr. CAMPBELL said the time might come, during the present session, when he should not have the smallest objection to this resolution; but, he must be allowed to state, that he did not think the present was the proper time. It was well understood that there were several projects on foot for the admission of Missouri into the Union. When all these failed, he said, he should be as ready as any gentleman to assent to this resolution. If gentlemen were prepared to say that no further efforts would be made to accomplish that object, he was ready to vote for the resolution now. But, he said,

in every quarter of the country, it is anticipated that the discussion will be revived on the resolution from the Senate: in the paper from Richmond received to-day, there were two or three letters from Washington to that effect. The understanding was, he believed, that perhaps next week the resolution on the table of the Clerk might be called up and decided on. If every effort should fail for the admission of Missouri, it would be proper to adopt such a resolution as this, but, in his opinion, not till then.

Mr. FOOT rose to show, by example, that the motion to lay this resolution on the table was not unprecedented. He agreed fully in opinion with the gentleman from Ohio, that the resolution ought to be laid on the table, and should not agree to take it up again until the resolution from the Senate should have been finally acted on.

Mr. LOWNDES said, a very little reflection would satisfy any one that it was not necessary to postpone this resolution until the other question referred to should be decided. He submitted to the House the consideration, that the report of the committee under this resolution might have considerable influence on the question to be decided on the proposition from the Senate. It appeared to him, he had no hesitation in saying, that no man could vote on the various propositions which had been alluded to, unless his mind was made up on the topics presented by the resolution now before the House. Whilst up, Mr. L. adverted to what had fallen from his friend from New York, who opposed the resolution because we know nothing officially of any change in the actual condition of Missouri. If we knew nothing on that subject, said Mr. L., it would be reason enough for inquiry that there is out-of-door conversation on the subject. We must not act on such information, but was it ever before heard that we must not inquire into any matter because it has been spoken of out-of-doors only? The practice of every day was different. But, if official information was necessary, the House had that information. It had information, from the constitution presented by Missouri, that, at a certain time, the authority of the United States was to determine, and that of a new State to commence. He did not here speak of the question of right in regard to the people of Missouri, but of the question of fact. It was true that there was a question of fact presented by this resolution, but it was also true that there was a question of law, and nothing was more usual than, in regard to questions of law, to refer them to the committee of this House consisting of legal men, constituted to consider such questions, being the committee to which it was proposed to refer this resolution.

Mr. STORRS explained, that he had reserved the question of the expediency of an inquiry into this matter. His objection to acting on the subject now was, that it appeared to him

JANUARY, 1831.]

Limitation of the Naval Force, and Inquiry into Naval Pensions.

H. OF R.

the proper course would be, first to call on the Executive.

Mr. ARCHER said he acceded to the proposed postponement, only because, as the mover of the resolution, he felt bound to do so. If not thus obliged, he should have voted against postponement. The objections of the gentleman to the resolution, he said, were not consistent—one gentleman opposed it because it proposed an inquiry into facts; another because it proposed an inquiry into a matter of law. Both objections could not be sound. He believed, he said, in conclusion, that the responses to this resolution would be very easy indeed; and he must be allowed to indulge the remark, that, in the reluctance of gentlemen to act on the subject, he found a confirmation of his belief that the answer could be easily given.

The question on laying the resolution on the table was decided in the affirmative, by yeas and nays, 91 votes to 58, as follows:

YEAS.—Messrs. Adams, Alexander, Anderson, Archer of Virginia, Baker, Bateman, Beecher, Boden, Brush, Buffum, Butler of New Hampshire, Campbell, Claggett, Clark, Cushman, Cuthbert, Dane, Denison, Dickinson, Eddy, Edwards of Connecticut, Eastis, Fay, Folger, Foot, Forrest, Fuller, Gorham, Gross of Pennsylvania, Guyon, Hall of New York, Hall of Delaware, Hardin, Hendricks, Herrick, Hill, Hobart, Hostetter, Kendall, Kinsley, Lathrop, Lincoln, Lowndes, MacLay, McCullough, McLane of Delaware, Mallary, Marchand, Meech, Meigs, Monell, R. Moore, S. Moore, Morton, Mosely, Murray, Nelson of Massachusetts, Parker of Massachusetts, Patterson, Phelps, Philson, Plumer, Randolph, Rich, Richards, Richmond, Robertson, Rogers, Ross, Russ, Sawyer, Sergeant, Settle, Silsbee, Sloan, A. Smyth of Virginia, Southard, Stevens, Storrs, Street, Strong of Vermont, Strong of New York, Tomlinson, Tracy, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood—91.

NAYS.—Messrs. Abbot, Allen of Tennessee, Archer of Maryland, Baldwin, Barbour, Bayly, Bloomfield, Brevard, Brown, Bryan, Burton, Burwell, Butler of Louisiana, Cannon, Cobb, Cocke, Cook, Crafts, Crawford, Crowell, Culpeper, Earle, Edwards of North Carolina, Fisher, Floyd, Gray, Gross of New York, Jackson, Johnson, Jones of Virginia, Jones of Tennessee, Kinsey, Little, McCoy, McCreary, McLean of Kentucky, Metcalf, Montgomery, T. L. Moore, Neale, Nelson of Virginia, Overstroet, Parker of Virginia, Rankin, Reed, Rhea, Simkins, Smith of New Jersey, Smith of Maryland, Swearingen, Terrell, Trimble, Tucker of Virginia, Walker, Warfield, Williams of Virginia, and Williams of North Carolina—58.

SATURDAY, JANUARY 6.

Death of Mr. Linn.

Mr. SOUTHARD announced the death of JOHN LINN, one of the members of this House, from the State of New Jersey. Whereupon,

Resolved, unanimously, That a committee be appointed to take order for superintending the funeral of John Linn, deceased, late a representative from the State of New Jersey.

Messrs. SOUTHARD, BATEMAN, BLOOMFIELD, KINSEY, SMITH, of New Jersey, CULPEPER, and MARCHAND, were appointed the said committee.

Resolved, unanimously, That the members of this House will testify their respect for the memory of John Linn, late one of their body, by wearing crape on the left arm for one month.

Resolved, unanimously, That the members of this House will attend the funeral of the late John Linn this day at three o'clock.

Resolved, unanimously, That a message be sent to the Senate to notify them of the death of John Linn, late a member of this House, and that his funeral will take place this day at three o'clock, from the Hall of the House of Representatives.

And then the House adjourned.

MONDAY, JANUARY 8.

A new member, to wit, from the State of Pennsylvania, DANIEL UDEN, elected to supply the vacancy occasioned by the resignation of Joseph Heister, appeared, was qualified, and took his seat.

TUESDAY, JANUARY 9.

Missouri—Anomalous Condition.

Mr. ARCHER, of Virginia, moved that the House do now proceed to consider the resolution submitted by him on the 4th instant, in relation to the judicial condition of the Territory of Missouri.

On the question being taken, "Will the House now consider the said resolution?" it was determined in the negative—yeas 66, nays 78.

THURSDAY, JANUARY 11.

Limitation of the Naval Force, and Inquiry into Naval Pensions.

Mr. COBB submitted for consideration the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of limiting by law the number of able seamen, ordinary seamen, and boys, to be annually employed in the service of the United States; and also into the expediency of reducing the number now in actual service.

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of reducing the pensions now allowed under the acts of Congress, to certain persons in the land and naval service of the United States, on continental establishment, during the Revolutionary war; [so that hereafter the pension allowed to each officer shall be twelve dollars per month, and to the privates five dollars per month.]

The first of these resolutions was agreed to without a division.

The second met with great objection, in consequence of which Mr. COBB modified it so as to make the inquiry general, by erasing the words in brackets.

On the resolution thus modified, there were yeas 53, nays 59. So the resolution was not agreed to.

FRIDAY, JANUARY 12.

Amendment of the Journal—Missouri Question.

The first entry in the Journal of yesterday was read, in the following words:

"Mr. Lowndes presented three memorials of the Senate and House of Representatives of Missouri—one praying that the purchasers of public lands may be permitted to apply the payments already made to such of their entries as the said payments will cover, at two dollars per acre, relinquishing the residue of the land to the United States—another praying that persons entitled to the right of pre-emption in the purchase of public lands, may be permitted to make payment for said lands within the times heretofore prescribed by law, or prompt payment, at the option of the persons holding such pre-emption right—the other, praying that the right of pre-emption in the purchase of public lands may be extended to certain settlers therein described; which memorials were referred to the Committee on the Public Lands."

Mr. ROBERTSON, conceiving that Missouri had, in this entry, been styled a Territory, objected to her being so styled; but, on examination, finding it was not so, waived a motion he was about to have made to amend it.

Mr. COBB, however, adverting to the terms of the memorial, said, that it appeared to be from the Senate and House of Representatives of "the State of" Missouri, though not so stated in the Journal. Mr. C. moved to amend the Journal in this particular, by inserting the words "the State of," before the word "Missouri."

When the reporter entered the Hall, Mr. BARBOUR was up, arguing in favor of an amendment, which would make the Journal conform to the fact, which, he contended, it did not as it now stood.

Mr. ANDERSON expressed his opinion that the Journal, as it stood, expressed truly the fact of a memorial being presented from Missouri. Though it might have been more distinctly stated, yet the omission of the words proposed to be inserted did not take from Missouri the character of a State, it being a frequent mode of expression in regard to other States, to speak of them without the prefix of "the State of." Mr. A. also suggested a wish that his friends should not press the objection they had set up, by way of obtaining a decision of the Missouri question, on a motion to amend the Journal.

Mr. ROBERTSON made some remarks in favor of the motion. The memorials, he said, professed to be from the Legislature of the State of Missouri. If Missouri had not been considered as a State, of course the memorials in that shape would not have been received. Having been received as memorials from the State, why should not the fact be correctly stated on the Journal?

Mr. McLANE, of Delaware, was in favor of the proposed amendment, on the general ground that, if it took place, the Journal would correspond more precisely with the fact than in its present shape.

Mr. WARFIELD said, that a decision in favor of the proposed amendment would not express the sense of the House, either in one way or the other. Conceiving that the entry on the Journal, as it now stood, was an entry of that description which would explain sufficiently what was the nature of the memorial, he was opposed to the amendment.

Mr. SMITH, of Maryland, proposed, in order to obviate the difficulty, to insert in the Journal the words "purporting to be," a memorial from the Senate and House of Representatives of the State of Missouri, &c.

Mr. COOK was opposed to the proposed amendment. If made, he said, it would decide no principle. If Missouri was not a State, calling her so would not make her so. It would be an equally appropriate amendment to style her the Republic of Missouri, as her convention had styled her in the preamble to the constitution which had been formed for her government, &c.

Mr. COBB, in reply to a wish which had been expressed, that he would withdraw his motion, said that he could not consent to do it. He wished the Journal to conform, as it ought, to the fact. Three memorials had been presented from a body, organized under a constitution of government, formed by virtue of a law of Congress authorizing the people of Missouri to form a State government. In that shape having been presented, in that and in no other shape could the memorials have been received; and the Journal ought to state the fact as it occurred.

Mr. BALDWIN was sorry, he said, that any discussion should have arisen as to the description of any paper presented to the House in the shape of a memorial. It had been the uniform practice, in making up the Journal, to give to memorialists the name which they themselves assumed. By way of illustration, he referred to the memorial presented at the present session from persons styling themselves the National Institution for the protection of domestic industry, from the delegates of agricultural societies, from the delegates from various interests at Philadelphia, &c., all of which, without investigating the merits of the pretensions of the respective memorialists, had been announced in the Journal in their own language. We pay that respect to petitioners, said Mr. B., that we designate them as they choose to designate themselves. The announcement on the Journal of their designations, was, properly, a mere recital of what they chose to call themselves. If the principle were now to be introduced, that every person or association of persons were to be held to prove that they really are what they profess to be, it would involve the House in endless difficulties. He was therefore in favor of the amendment proposed by Mr. COBB.

Mr. RANDOLPH, after a preliminary remark or two, not distinctly heard from the pressing of members around him, said that he rose to

JANUARY, 1821.]

Amendment of the Journal—Missouri Question.

[H. OF R.]

introduce a precedent applicable to this occasion, which, he trusted, would be received with all the respect due to so high and transcendental authority. The conduct, said he, which this Government has to this instant pursued towards the State of Missouri, is sanctioned by the conduct which was pursued towards these States when colonies, by His Britannic Majesty and his faithful Lords and Commons in Parliament assembled. What was their language after our independence was declared? What was their conduct which led to the long and bloody war which terminated in the acknowledgment of our independence? The very language which we are holding, and the very conduct we are pursuing towards Missouri. The parallel, said Mr. R., runs on all fours. In our extreme tenderness for the rights and privileges of the colored citizens, we have already brought into jeopardy the rights and privileges of our white fellow-citizens as well as of those colored ones who are the objects of our solicitude. Mr. R. said he had intended to abstain, as he had until now abstained, from taking any part or lot in this affair. But when he saw the Congress of the United States pursuing a course of conduct in servile imitation of the British Parliament, he could no longer refrain. He would stake his salvation, he said, dear to him as that was, that, if the constitution of Missouri had contained an inhibition of slavery, the House would never have heard of the objection now raised to it; and, were he to engage in the discussion of it, he would take that ground. However that might be, he said, it was a more important matter that the Journals of this House should contain the truth. An honorable member behind him had uttered the sentiment, the other day, that it was proper that petitions to this House should contain the truth. It was of infinitely more importance, Mr. R. said, that the Journal should contain the truth; and he pronounced that the Journal for yesterday, in its present mutilated, mangled and garbled state, did not speak the truth. It holds out that, said he, which we know to be false. And is it a mere matter of form that we should send out to the people, as the record of our proceedings, a paper which contains, on the face of it, a palpable and atrocious falsehood?

Mr. LITTLE called for the reading of the memorial; it was read in part, when Mr. L. expressed himself satisfied, and said he was sorry the Chair had departed from the uniform practice and regular rule in recording the proceedings of the House.

Mr. RHEA was in favor of the proposed amendment. It was the duty of the House, he thought, to see that facts were correctly stated on the Journal. This House had, in its public acts, styled Missouri a State; and why should she not be so called on the Journal? He read the caption of one of the memorials to show that it purported to be from the Senate and House of Representatives of the State of Missouri, in General Assembly, &c. The Journal,

he said, ought to describe the memorial as it really was.

The question on Mr. Cobb's motion was then taken—yeas 76, and nays 76.

The yeas and nays being equal in number, the SPEAKER declared his vote with the yeas. So Mr. COBB's motion was rejected.

On this result being declared—

Mr. PARKER, of Virginia, rose. The vote which had just been taken, he said, was, with a few exceptions, of that geographical character which had marked the whole proceedings in regard to Missouri. For his own part, he said, he did not at first consider this question as involving any matter of principle; but, being a new member, he had referred to the Journal, and he found that, in all cases of memorials from States, they have been stated to be from States; and that the same uniformity of practice prevailed as to memorials from Territorial legislatures. He saw no reason why a deviation from this uniformity of practice should have occurred in this particular instance of Missouri, and not in any other. There was, he said, something in it—he did not say what it was—but he was for consistency, at all events, in the records of the Congress of the Union. He was for the records of this House speaking, in the words of the law, the truth, the whole truth, and nothing but the truth. Under this impression, as the House had refused to acknowledge Missouri to be a State, and as she must be a territory, if she be not a State, he moved to insert in the Journal, before the word "Missouri," the words "the Territory of."

Mr. BRUSH objected to this amendment, for reasons which he assigned at length. He was of opinion that Missouri was constitutionally and politically a State, and not a territory. But, as it was the custom of this Government to give to its territories a first and second grade of government, preparatory to their assuming the rank of a State of the Union, he did not see why it could not give to them a third, fourth, or fifth grade of government. He considered Missouri to be in a grade between territorial dependence and the condition of a member of the Union; which idea he illustrated by reference to the situation of the State of Vermont, before she adopted the Federal Constitution.

Mr. EDWARDS, of North Carolina, apprehended that this proposition would operate as a trap question, producing embarrassment without benefit, and expressed his hope that the mover would withdraw it.

Mr. LIVERMORE made a few remarks to this effect: that the House ought to regard the substance and not the shadow; that the name was of no importance to the actual condition of Missouri. When the question should present itself in a proper form, he was ready to decide it; but it could not be affected, either in one way or the other, by the appellation which should be given to Missouri on the Journal of this House.

Mr. MEROER was gratified that this motion had been made. As this was the commencement of our intercourse with the people of Missouri, he was desirous that every step of it should be marked. Mr. M. made some further remarks, in the course of which he expressed his regret that the course of the remarks of the gentleman from Illinois, (Mr. Cook,) had been, in his view, disrespectful to Missouri.

Mr. Cook disclaimed any intention to speak disrespectfully of the people of Missouri, whom, on the contrary, he said, he held in high respect; and he sincerely hoped that Missouri would be admitted into the Union, and soon.

Mr. BUTLER, of Louisiana, said, that, on inspecting the Journal, it appeared that the original entry in it corresponded with the caption of the memorial, in which the word *State* is employed. As the Journal now reads, moreover, in the part speaking of the public lands, the words "within the said State" had been erased in two instances, to avoid the word *State*, which made the whole entry absurd, inasmuch as the memorial is made to apply not to purchasers of land "within the said State," which words were erased, but to purchasers of land throughout the United States. Mr. B. said he would therefore ask whether the Clerk had undertaken to make these alterations.

The SPEAKER then stated from the chair, that it was the practice that the Journal should be written by the Clerk. The rules of the House made it the duty of the Speaker to "examine and correct the Journal before it is read." If, being so examined and corrected by the Speaker, it should not, in the opinion of any member, be correct, it was competent for any member to move to amend it, and for the House, should such be its pleasure, to direct it to be amended. In the present instance, the presiding officer had thought proper so to correct the Journal, as that it should not be taken either to affirm or deny that Missouri was a State, that being a question on which the House was greatly divided in opinion.

Mr. TRIMBLE requested the Clerk to state the date of the petition, in order to show that the petition was not posterior to the decision of this House against declaring the admission of Missouri into the Union, and that therefore Missouri had not assumed a name which had been denied to her by Congress. Mr. T. expressed his satisfaction that Mr. Cook had explained his meaning; having believed, until he had made it, that his observations in regard to Missouri had been ironically intended. Mr. T. did not by any means consider the present motion as a trap, but as a serious proposition, which gentlemen would not find it easy to dispose of. There were members of this House who believed that Missouri was yet a territory. Mr. T. said he was not one of them; but those who did believe so, would of course vote for the resolution. He was obliged, he said, to the gentleman from Virginia, for having suggested what he had done in regard to the parallel be-

tween the proceedings of the British Parliament during our Revolution, and those of the present Congress. He did remember himself many instances in which the petitions of the people of these States were refused to be received in Parliament, because the petitioners did not correctly describe themselves. He remembered the letter of Washington was refused to be received, because it purported to come from *General* Washington. Had not the people of Missouri a right to baptize themselves by such name as they chose? Mr. T. said he regretted that the Chair should have thought itself under the necessity of altering the Journal. The subject, in itself not very important, had been made so by the alteration of the Journal, which alteration it seemed had been made by the Speaker. It appeared to betray an unreasonable jealousy on this subject, to say the least of it. He begged the Speaker's pardon, he said—he did not mean to say that he felt this jealousy; but, in the course which he had taken, there was an overweening caution—an appearance of a jealousy which ought not to have been betrayed towards this people. Mr. T. said he trusted gentlemen would not feel much difficulty in voting on this question. We find, he said, that the question just taken, small as it was, has drawn a line across the United States. Let the Journal stand as it ought to do. Do not tell the people of Missouri, We are so jealous of you, we are fearful of your thrusting yourself into the Union, and partaking at the sacred board and drinking of the cup of wine. Do not say to them, We are so apprehensive you will come to the communion table by the name which you give yourselves, that we will give you no name. Mr. T. said he should vote against the proposed amendment, because, in his opinion, Missouri was a State, and not a territory. Those who held the other opinion must be compelled to vote in favor of this proposition, or acknowledge that their ground was untenable.

Mr. EDWARDS, of North Carolina, said, in regard to this motion, he did not, when up before, mean to insinuate that the gentleman from Virginia (Mr. PARKER) had meant to set a trap for others. He might have laid a snare without designing it. For himself, Mr. E. said, he believed Missouri was a State. He feared that the motion of the gentleman might be adopted, and that the misnomer would be entered on the Journal. For no other reason had he wished the motion to be withdrawn. He should vote against the motion with pleasure, because he believed Missouri had lost her territorial character, and could not be otherwise than a State.

Mr. PARKER said he was placed in a difficult situation, by the application to him to withdraw his motion. Other friends were opposed to his withdrawing it. He had concluded to persist in it. It was not intended as a trap for any one. Had it been so intended, he did not know but that he might have found illustrious

JANUARY, 1831.]

Amendment of the Journal—Missouri Question.

[H. OF R.]

examples. It was not a question of mere form. The state of the vote just taken, proved that it was not. The question in fact, as voted upon, had been, Is Missouri a State or a territory? If she was a territory, as she had been voted not to be a State, why reject this proposition so to designate her? I say, said he, she is a State; and were I a citizen of that State, I would never, at your suggestion, strike out that clause in the constitution to which objection has been made. If I found it convenient to myself to do so, I would; but I would not do it on your recommendation, even for the important boon of being admitted in the Union. I would rather be trodden down by the armies from the North and East, and, if you could get them, from the South, than yield this point; and I avow it in the face of the world. If ever on earth a people has been maltreated, it is this people. There seemed, Mr. P. said, to be a suppression of something on that Journal; because the very words which had been stricken out of it were to be found in the caption of the memorials. Why are they suppressed? For the purpose, evidently, of implying the other way. He was not for this mode of dealing; he was for having the facts stated in plain English, that all might understand them. Mr. P. said he wanted to hear no more of precedents here—he had heard more than enough of them; but if a matter was to stand for precedent, even as to the form of the Journal, he wished it should be a precedent either one way or the other, and not a mere equivocation.

Mr. ROSS said he was aware that the House had involved itself in some difficulty by the reception of the petitions in the form in which they were presented, as being from a State. They ought not to have been received in that form. Missouri, Mr. R. said, was either a territory or a State. If she be a State, she is a State known to the Constitution of the United States. She is not one of the old original thirteen States. Has she ever been received into the Federal family as a State? She has not. Does she assume the character of a State without being so received? Does she tell you, We were once a territory, but we have thrown off our territorial character, and assumed that of a State without your authority? If this doctrine is to be tolerated, said Mr. R., away with your forms of territorial government at once. Let your territories at once assume the character of States. If Missouri be a State, she must be a lawful State. By what law is she made a State? It was sound orthodoxy in politics, that there cannot be a State within the territorial limits of the United States, without the authority of the Congress of the United States. Missouri was not a State by that authority, and he was perfectly ready to vote and declare his opinion that Missouri is now a territory.

Mr. RHEA referred to the act of the last session of Congress, to show that Congress had authorized the people of Missouri to form a State government, and assume such name as

they might think proper. They had assumed a name accordingly, and Mr. R. said it could not be taken from them except by law. This House, then, had given them the name, which was now refused to them on the Journal. Nay, at this very session, a joint committee of the House, appointed to consider the subject, had reported a resolution, declaring the admission of the State of Missouri into the Union. With respect to the Journal, Mr. R. said, the Speaker had a power over it analogous to that which a court has over the presentment of a jury—a power to alter it in manner or form, but not in substance. Mr. R. here required the Clerk to read the Journal, as it was before it was altered by the Speaker this morning.

The SPEAKER pronounced that it was not in order to read any Journal, as the Journal of the House, but that which had been corrected by its presiding officer.

After a few further remarks, to the same effect as the preceding, Mr. RHEA took his seat.

Mr. PLUMER said he had voted against the motion to insert the word "State," and he should vote against this, because he considered it not advisable or proper to decide incidentally a main question, and one which was much contested. To avoid affording precedents, for precedents had been already quoted from the Journal, he thought it proper to leave the Journal in its present shape, neither affirming nor denying any thing. He should, therefore, vote against the amendment now under consideration, as he had against that first proposed.

Mr. LOWMEDE rose, in consequence of a suggestion from Mr. ROSS, to say, that when he yesterday presented these memorials, he distinctly stated, in audible words, that they were from the State of Missouri. He did not mean to enter into this question; but, he said, in the anxiety to escape one difficulty, the object of one of the memorials, at least, was presented on the Journal differently from what that object was. It was necessary that the object of each petition should be stated on the Journal of the day on which it was presented. By the erasure of the words "within the State" twice, where it ought to have occurred on the Journal, the objects of the memorialists were perverted. But he did not mean to enter into the discussion, having only risen to state the fact which occurred yesterday.

Mr. ARCHER, of Virginia, said, the House had decided one-half of the question respecting Missouri. They had decided what she is not, and must now say what she is. He put the question to gentlemen of the majority, whether they could, after their former votes, hazard the assertion that Missouri is not a territory, which they must do by voting against this amendment? If they did not now declare her a territory, the course they had hitherto pursued, stood condemned by their own votes, because every man knows that Missouri is either a territory or a State. He hoped, he said, that

gentlemen would not shrink from the consequences of their own vote. He called upon them to stand to it. If they refused to do so, he should consider their refusal, as he did their refusal the other day to consider the resolution offered by him, as a proof that they were not willing to meet the consequences of the votes which they had given. He appealed to the pride of gentlemen to meet this question. One word more—Who are the memorialists? In what light must we consider them? In the character which they profess—in that which they assume. Can you, said Mr. A., receive a paper which these people present to you, and fashion it according to your conceptions, and not according to theirs? Must you not pursue the course, if you do not receive it as offered, of rejecting it altogether, as suggested by the gentleman from Ohio? His honorable colleague had said that the conduct of this House towards Missouri equalled the tyrannous proceedings of the British Parliament towards this country. Mr. A. said, it not only equalled, but went beyond it. If, said he, you can change the character of the memorialists, I should like to know whether you cannot likewise alter their prayer, and make it unlike the prayer they intended? And would any man say that this House could receive a petition from any quarter, and make it what it was not intended to be?

Mr. ANDERSON said his friends, he apprehended, would, in the course they were now pursuing, find themselves in the situation in which men are very apt to be when they act under the influence of passion, rather than of reason—in the wrong. It is always wrong to fight where you cannot but sustain defeat. It is always wrong for a minority to irritate a majority; and this motion could have no other effect but to irritate. It is the essence of determination that it prove something. But the vote on this motion would prove nothing. Nothing would be gained by it, and nothing would be lost. How can that be substance, which, whether lost or won, means nothing? No ingenuity could make of it any thing but a matter of words.

As to the subject of the main question, not now presented, no man could feel more anxiety than he; no man's mind was more excited, by day and by night, on that subject. By conciliation, said he, we may succeed in ultimately procuring what I consider a correct decision on it; by exasperation we are sure to fail. I deny, said he, that the vote which has just been taken, proves that Missouri is not a State. It proved nothing else but that, in the opinion of those who voted against the amendment, the description in the Journal is sufficient and intelligible. Mr. A. deprecated all attempts to exasperate the majority, as injudicious and impolitic; it was not by such a course that the object of the friends of Missouri could be attained.

Mr. BARBOUR assured the gentleman from

Kentucky, that, as far as he had, any thing to do with this subject, he was not acting under the influence of exasperation, but of an earnest wish to do what was right. If gentlemen were not disposed to express any opinion on this subject, the proper course would be to propose an indefinite postponement. But, if a direct vote were taken on the proposed amendment, no reason satisfactory to him could be assigned for voting against it, except that Missouri is not in fact a "territory." Gentlemen called it by different names; but, call it by what name they would, a memorial had been presented from two organized branches of what he called the Legislature of the State of Missouri. For what purpose? Did the Representatives of the people of that State mean to intrude into the councils of the nation in regard to all the public lands, within our almost illimitable bounds? Certainly not; and yet, by the erasure of the words "within the said State," their memorial was made to bear that construction. This observation, Mr. B. made, to show that this was not a mere dispute about words. With regard to the question before the House, he thought it one of considerable importance. If nothing had been done to the Journal, if it had followed the recital of the memorial, there would have been some plausibility in the remark that it was unimportant. But, by the alterations which had been made, a new description had been given to the memorial; and the decision of the House had the effect of expressing a determination to get rid of the description which the memorialists gave to themselves and to their memorial, &c. With regard to the precedent, Mr. B. said, if the Journal were permitted to stand in its present shape, it would afford a much stronger precedent than many which are introduced to influence the decisions of this House. In conclusion, Mr. B. made some remark, which caused the Speaker to repeat his decision, that "there is no Journal but that which is before the House as corrected by the presiding officer, and read by the Clerk."

Mr. CORB said, as he was desirous to hear the Journal read as originally written, he must appeal from the decision of the Chair on this point.

The question on the appeal having been stated from the Chair—

Mr. LOWNES expressed his regret that his friend from Georgia had made this appeal, and his hope that it would not be pressed to a question. If it were determined that the Journal should be read as first written, the principle would apply to the whole detail of composing the Journal, and thence to the minutest particulars of it, which would show that the Journal, as presented to the House in form, was the only Journal of which the House properly had cognizance, &c.

Mr. CORB withdrew his appeal.

Mr. MEXCEB was called up by what had fallen from Mr. ANDERSON. In the course which he had taken, Mr. M. said, the last sentiment of

JANUARY, 1821.]

Amendment of the Journal—Missouri Question.

[H. OF R.]

his heart was disrespect to the majority of the House. It was awful anxiety, and not passion, which he felt on this subject. Much less did he wish to draw the House into a discussion whether Missouri is a State or not, on a motion to amend the Journal. Mr. M. said he was sorry that any question had arisen involving the Chair; he thought, with the Speaker, that what had passed *out of* the House in regard to this Journal, ought not to be known *in it*, and that the corrected form of the Journal only ought to be considered as before the House. He deprecated any thing like irritation as much as any one. Nothing but a sentiment of mutual forbearance, of good-will to each other, of high respect and confidence, could lead the House to correct decisions on so difficult a subject as the main question respecting Missouri. That was, he said, a subject of great importance. If Missouri was not a State, all her present proceedings were contrary to law. If it were so, and under her laws a man was convicted of a crime, and punished with death, it was murder! Every sentence of a court was void, and every verdict of a jury. Every act of her Legislature, superseding the regular course of the laws of the United States, was treason! He implored of gentlemen to pause before they finally pronounced a decision which would be crowned with such terrible results.

Mr. WARFIELD said he should of course vote against this motion, on the same grounds as he had voted against the preceding one, viz: that the alleged and proposed alteration of the Journal was neither important nor material; that the alteration objected to had been made by the competent authority, and that there was nothing in it which required the interposition of this House; that, if it could be made to touch the main question with regard to the actual relation of Missouri to the Union, that was a question which it would not be proper to decide in the manner in which this question had been submitted to the House.

The question being then taken on the motion to insert the words "the territory of" before the words "Missouri," in the clause of the Journal first above recited, it was decided by yeas and nays. The yeas were Messrs. MALLARY, ROSS, STRONG, of Vermont, and UPHAM. All the other votes, 150 in number, were in the negative.

So the motion was rejected.

Mr. BARBOUR then moved to amend the entry in the Journals by inserting, after the words "public lands," the words "in the late Territory of Missouri."

Mr. ROSS moved to amend the amendment by striking out of it the word "late."

Mr. BARBOUR showed that this motion presented precisely the same question just decided in the negative by a vote of 150 to 4. His object was merely to give a correct recital of the memorial. Suppose it were a memorial from the late Bank of the United States, and it were proposed to strike out the word "late," the

House would see how essentially the fact would be varied by such an alteration, &c.

Mr. STORES, on inspecting the Journal and memorial, expressed his impression that the entry, as it stood, was not incompatible with the contents of the memorial.

Mr. WARFIELD considered this again as a mere matter of form, and thought it perfectly immaterial whether it was inserted or not, as he thought of the first proposition. As, however, the House appeared to be in no manner relieved from difficulty by the decisions already made, he moved, in order to get rid at once of any difficulty on the subject, to reconsider the vote on the first motion, which was, to insert the words "the State of," before Missouri.

The question on reconsideration having been stated—

Mr. BROWN spoke in expression of his satisfaction at the question being again presented, and in support of the principle, that, where there was an attempt to violate personal or political rights, resistance was a duty, not to be departed from for any views of conciliation.

Mr. ROSS expressed his astonishment at this motion for reconsideration, and, without accusing any one of inconsistency, said he should consider himself extremely inconsistent had he voted against the motion at first, and then moved to reconsider it.

Mr. ROBERTSON expressed his pleasure that there was again a prospect that the Journal would be made to conform to the fact, which he argued to show that it did not at present.

Mr. FOOR said, that the last vote showed that the insertion of these words would decide nothing, and need therefore not be objected to, inasmuch as only four members of the House had voted Missouri to be a territory, though so many were known to believe her to be a territory.

Mr. WARFIELD defended himself from the insinuation of inconsistency. He considered it the right of every man to change and to retract his opinions on conviction. With regard to his legislative proceedings, he said he held himself amenable to those who did him the honor of giving him a seat here, and he held himself responsible nowhere else. He assigned reasons why he had made his motion, arising from the maze of perplexing questions in which, by disagreeing to the first motion, the House seemed to be getting deeper and deeper involved.

The question on Mr. WARFIELD's motion for reconsideration of the first vote was then decided by yeas and nays—yeas 71, nays 77.

So the House refused to reconsider the first vote of to-day.

Mr. BARBOUR, who had withdrawn his motion, to make way for that of Mr. WARFIELD, now renewed it, as stated above; and

Mr. ROSS renewed his motion to amend it, by striking out the word "late." The House, he said, had just solemnly decided, the second time, that the memorials were not from the

State of Missouri—yet this amendment proposed to describe it as being from the late territory, &c., meaning from the State of Missouri.

Mr. BARBOUR asked of the gentleman whether the House had not, with equal solemnity, and by a vote of 150 to 4, decided that Missouri is not a territory; and whether his amendment, if it succeeded, would not be in the teeth of that decision?

The question was then taken on Mr. Ross's motion, and negatived by a large majority.

Mr. STORES moved to amend Mr. BARBOUR's amendment, so as to read, "in the United States," instead of "in the late Territory of Missouri."

Mr. RANDOLPH in rising said, that the errors of the wisest men are not the least. The House had just refused to strike out the word "late" from the amendment under consideration, and had, of course, decided that it should be retained; so that, if the amendment of the gentleman from New York prevailed, it would read, "in the late United States!" How was it competent for the gentleman from New York to move, as a substitute for the amendment of his colleague, a recital not according to the words of the petition, but such as he wished the words of the petition had been? If the recital was to correspond with the fact, the House should reinstate the words of the memorial, the erasure of which had led to all this—he would not say what; but, if he were anywhere else, he would say—shuffling and cutting.

Mr. NELSON, of Virginia, made a point of order, whether the motion of Mr. STORES was not a substitute for that of Mr. BARBOUR, and therefore out of order.

The SPEAKER decided that the word "late," though the House had refused to strike it out by itself, might be stricken out in connection with other words, as now proposed. He also decided that the motion of Mr. STORES, to strike out a part, but not the whole, of Mr. BARBOUR's amendment, was not a substitute so as to bring it within the rule; illustrating it by a reference to the common practice of moving to strike out the whole of a bill, except the enacting clause, in order to introduce a bill in a different form. He, therefore, pronounced Mr. STORES's motion to be in order.

The question was then taken on Mr. STORES's motion, and decided in the negative.

During the past and following proceedings, various ineffectual attempts were made to procure an adjournment.

Mr. COOK moved, in order to get rid of this question altogether, to postpone indefinitely the further consideration of this subject.

Mr. JOHNSON, of Kentucky, in a speech of some length, protested against the postponement. The Journals, he said, were distorted, and not made up as they ought to be, because the word Missouri occurred in them. What is Missouri? said he; is it a river? Is it a tribe

of Indians? Why should we shrink from reciting her proper title on the Journal, when we find she has presented us a constitution of State government? Will we suffer it to be said, that sectional feelings have operated to prevent us from correcting our Journals, so as to make them what they ought to be? If this question was not connected with Missouri, would there be any hesitation in making the proposed amendment? Mr. J. went on to say, that he trusted the House would go on and vote, that the Journals should declare the truth. I wish, said he, the Journal to show why we are opposed to correcting the Journals, and who we are that oppose it, and not to give these questions the go-by, as now proposed.

Mr. BEUSH demanded, whether it was in order to move to postpone indefinitely a motion to amend the Journal.

The SPEAKER decided that it is in order. There were, he said, certain forms of questions prescribed by the Rules of the House, and their relative rank assigned them. It was not for the Chair, but for the House, to judge of the propriety of those questions, when proposed. Being proposed, it became his duty to propound them to the House.

Mr. NELSON, of Virginia, objected to this decision, and demanded whether, as a proposition to amend could not be postponed without postponing the main question, which, in the present case, was the Journal, it was in order thus to postpone the Journal?

Mr. EUSTIS suggested for consideration whether every difficulty could not be avoided by directing the whole of the memorials from Missouri to be inserted on the Journal, instead of a description of them.

The SPEAKER decided that the motion to postpone a question to amend the Journal is in order. The Journal, he said, is a subject on which no question is to be put, until a question is made by a proposition to amend it. A motion to postpone that question, therefore, it being the only question, was evidently in order.

Mr. COOK disclaimed any intention to evade the question. He had made the motion to postpone, in order to get rid of irritating and unnecessary debate. As he had failed in this object, he withdrew the motion for postponement.

The question recurring on Mr. BARBOUR's motion to amend the Journal—

Mr. ANDERSON called for the reading of the memorial, to show that the amendment was not necessary, and might be dispensed with.

Mr. CULBRETH said he had been accidentally absent this morning, on the vote to insert the word *State*, as applied to Missouri, and he wished he could have an opportunity to record his vote on that principle. At first he had thought that the present question would afford him that opportunity; but, during the discussion, he had examined the Journal and the memorial, and he was convinced that the amendment, if agreed to, would make the prayer of

JANUARY, 1821.]

Journal of the House—Missouri Question.

[H. OF R.]

the memorial what it is not. He should therefore vote against it.

The question was taken on agreeing to Mr. BARBOUR's motion to insert "the late territory of" before the word "Missouri," and decided in the negative—yeas 61, nays 79.

So the motion was rejected.

As soon as this decision was pronounced, several persons addressing the Chair at once, a motion to adjourn obtained the preference.

Before the question was put, a member inquired whether an adjournment now would preclude any amendment of the Journal of yesterday on to-morrow?

The SPEAKER decided that it would, unless a motion to amend it were the unfinished business at the time of adjournment on this day.

The question on the motion to adjourn being decided affirmatively, here ended the controversy respecting the Journal.

SATURDAY, JANUARY 13.

Journal of the House—Missouri Question.

Mr. REID, of Georgia, rose and addressed the Chair as follows:

Mr. Speaker: The resolutions which I hold in my hand were prepared yesterday, and should have been then submitted, but for the anxiety of the House to adjourn, and the lateness of the hour. They are now presented, not with any view to promote or prolong excitement, because I believe excitement to be unfavorable to correct legislation; nor do I intend any remark which I may offer to be disrespectful to the officer chosen to preside over the deliberations of this House. Self-respect, if there were no other reason, would not permit me to pursue such a course; but I desire to mark, by an expression of the opinion of the House, an event which, were I more conversant with legislative proceedings, I would say, is the most extraordinary of its kind to be found in parliamentary annals.

The Constitution of the United States requires both Houses of Congress to keep a Journal of their proceedings, and, for the purpose of giving effect to this provision, the usage of the House and the acts of Government have made it the duty of the Clerk to keep a correct account of the daily proceedings, while, by the rules of the House, it is made the duty of the Speaker to "examine and correct the Journal" of the Clerk. But, that no error may escape unnoticed, and that the history of our transactions may be entirely faithful, the Journal of the preceding day is read daily, in the face of the House. Is this a mere ceremony, a form, which adopted without object, may be suspended without injury? It appears to me to be altogether of substance, because both the Speaker and the Clerk are mere agents in the compilation of the Journal, and, consequently, the House is entitled to the supervision of their conduct. Every member, having sworn to support the constitution, which requires the House

to keep a Journal of its proceedings, is deeply interested—as much so as the obligation of an oath can make him—in the proper performance of the duties, which, in this respect, devolve upon the Clerk and the Speaker. If then an error be produced, whether by the negligence of the Clerk or the supposed corrections of the Speaker, the House surely possesses the power to apply the corrective by amending the Journal—restoring it to its original shape, or in such other manner as its wisdom may devise.

What shall be done upon the present occasion will best be known by a resort to the facts as they exist. They are these: a member presents, in his place, a memorial from the Senate and House of Representatives of the State of Missouri; he announces, as is his duty, the purport and the character of the petition; the document is received by the House, referred to one of its committees, and the Clerk, as he is bound to do, minutes the transaction among the occurrences of the day. The Speaker, when he comes to perform his duty, erases the words "State of," and, when the corrected Journal is presented to the House, it recites, that the member presented the memorial of Missouri. Now, the question is—has the Speaker performed his duty, under the rule of the House, or has he acted without the pale of the authority which that rule conveys to him? If the erasure be within the rule, there is an end of the matter, and I am trespassing unnecessarily upon your patience, and doing injustice to the Speaker. But, if the Speaker has altered without correcting your Journal, his act is void, because it is beyond his authority, and is itself an error, which demands the correction of the House. Did the Speaker, when he applied his pen to the Journal, describe the fact as it had taken place more truly than it had been described by the Clerk? No, sir. The Clerk stated what had happened exactly as it did happen. Now, the rule is—the Speaker shall "examine and correct" the Journal. The power to correct implies the existence of error. There was no error, not even the slightest mistake. The Speaker had, then, no duty to perform, and any other journal than that in which the Clerk had truly recorded the proceedings of the House is not the true, but a spurious journal. The act of the Speaker was gratuitous, and without warrant.

But it may be said, as I think it was yesterday, that the Speaker is to be justified, because he had stated the actual fact. That is to say, he has refused to designate Missouri as a State, because she is not a State. I know that there are varying opinions; that some gentlemen consider Missouri a State; others, *quasi* a State; others a Territory; while there are some who do not clearly express what their opinions are. With this subject, I have at present no concern. Sufficient for the day is the evil thereof. The question is not, whether the true quality of Missouri should appear upon the Journals; but whether it shall appear as represented in her

memorial, in the announcement of the member presenting that memorial, and in the act of the House receiving it. If an individual, arrogating a title to which he has no claim, present his petition to the House, and it be determined to listen to his plaint, no one will contend that the Clerk or the Speaker, in making up or correcting the Journal, has a right to inquire into the legitimacy of the dignity assumed. It is not their duty to ingraft the fact upon the Journal, contrary to the representation of the petitioner, and the determination of the House to hear him in the character he has chosen to adopt; but it is their duty to detail events as they actually occurred, although these may involve falsehoods, and misrepresentations.

Sir, if Missouri had presented herself in borrowed feathers, it was the duty of this House, by plucking them from her, to have exposed her in the nakedness of her deformity. If she assumed a rank incompatible with your dignity, or a tone and a style too lofty, you should at once have taught her language more humble, and admonished her, that she was not yet fitted to occupy the station to which she aspired. But, did you do this? No, sir. Whatever may be the matter or the manner of her memorial, you received it. That it was received, was noted by the proper officer, under your order; and you referred it for investigation to a committee. Now, these are solemn measures adopted by the House, and, I ask, have they been rescinded by the same authority? No; not by the alteration of your Journal; an alteration not governed by any known rule prescribed by this body. Is it come to this? Shall the officers of this House frame the Journals of the House according to any vague notions of propriety which they may entertain? If, indeed, they have this power, they may mould, and alter, and garble, and destroy, until your diary shall wear the semblance of romance, rather than of history. If we yield them such a power, we are apostates from the true faith; we are no longer the representatives of freemen; we are ourselves slaves, and, what is worse, willing slaves.

It may certainly happen that the House, from inadvertence, or some other cause, may be led into mistake, and may order that to be recorded which should not of right have a place. It may then be the duty of the Speaker to point out the impropriety, leaving it to be corrected at the will of the House. He cannot go further; he cannot alter the solemn acts of the House, upon the presumption that they were irregularly or unadvisedly done.

I have heard it suggested that this is a little matter; which does not deserve our consideration. If it be so, why were words so harmless and unimportant stricken from the Journal? Their very insignificance should have protected them; the more especially as they corresponded with the fact as it transpired. But it is not a good reason against resisting any innovation, to say that it is so slight nothing is to be feared from

it. A delegated authority should be jealously watched, or it will rapidly extend itself beyond its prescribed boundaries. We are told in Arabian story that a mist, rising from the bosom of the ocean, which the gentlest breeze might have dissipated, took to itself consistency and form, and became a monstrous and fearful giant. It is thus with the encroachments of power—at first scarcely perceived, at last not to be opposed. Constant attrition will waste even the rock of ages.

Before I sit down, I would controvert a doctrine which has received the sanction of high authority. It is, that the House has no authority to ask the reading of the original draught of the Journal, because none other can be read than that corrected by the Speaker. Sir, it may be shown—I think it has been shown—that the House is the ultimate judge of the correctness of its own Journal, and it has a right to inquire, whether the Speaker has corrected it, as he has the power to do, or altered it without authority. How, then, is the House to exercise this right, if you withhold the data upon which its decision must be founded? Shall members inquire among themselves for the facts, with a view to the correction of mistakes or faults? One will answer, he was absent; another, he was engaged; a third, he was inattentive.

Apply to the Clerk, and he will say his duties are so numerous, and so many the subjects he is forced to record, that, if he must shut his eyes to the Journal, he can give you no account of the matter; but, if you will allow him to read from the Journal itself, he can divest it of interlineations and erasures, and tell you how it originally stood. It is only by a comparison of the Journal, after it has received the correction of the Speaker, with what it was in the hands of the Clerk, that you can be prepared to decide upon the propriety or impropriety of their corrections. Suppose a mischievous or malignant individual were, covertly, to find access to your records, and should vitiate them by blots and scrawls. When you sought to restore them to their true shape, would you not call upon the Clerk to decipher to you their original reading? The case is perfectly parallel, if an officer of the House have so altered the Journal that it no longer retains its true form.

I have considered it a duty to say thus much, by way of preface to the resolutions I offer. I will only add, if the Speaker has done that which he ought not to have done, it comports with the dignity of the House to assert its own rights. Let us ever cling to truth and justice, and resist even their slightest violation with the utmost pertinacity.

Mr. R. then handed the following resolutions to the Chair:

Resolved, That it is the duty of the Speaker, under the rules of the House, to examine and correct the Journals of the House.

Resolved, That the House possesses the right to

JANUARY, 1821.]

Treasury Report.

[H. OF R.]

inquire into and decide upon the propriety of any correction which may be made by the Speaker.

Resolved, That the erasures made by the Speaker in the Journal of the 11th January are *alterations* and not *corrections*, inasmuch as the Journal, in its original form, corresponds with the fact intended to be described, viz: that a petition from the Senate and House of Representatives of the State of Missouri was presented by a member from South Carolina.

The SPEAKER having propounded the question, "Will the House now proceed to consider these resolutions?" it was decided—yeas 47, nays 96.

So the House refused now to consider the resolutions.

TUESDAY, January 16.

Another member, to wit, from Kentucky, HENRY CLAY, appeared, and took his seat.

MONDAY, January, 22.

Treasury Report.

The SPEAKER laid before the House the following report:

TREASURY DEPARTMENT, Jan. 19, 1821.

SIR: In obedience to a resolution of the House of Representatives, of the fourth instant, instructing the Secretary of the Treasury to report to the House "a statement of the money in the Treasury on the first of January, 1821, together with a statement of the money in the hands of the Treasurer, as agent for the War and Navy Departments, on that day," I have the honor to state, that there was in the Treasury on that day the sum of \$1,076,261 18, and in the hands of the Treasurer, as agent for the War and Navy Departments, the sum of \$1,050,378 25, viz: For the War Department, \$151,373 29; and for the Navy Department, \$799,004 96.

Of the sum of \$1,076,271 18, in the Treasury on the first of January, 1821, \$500,000 were paid by the Bank of the United States, on the 30th of December, 1820, but which were payable on the first day of January thereafter, and were estimated in the receipts into the Treasury for 1821. If this sum is deducted, the amount in the Treasury on that day will be \$576,271 18. If it is considered a part of the receipts of 1820, the estimated receipts for 1821 will be diminished by that amount. With this explanation, it will not be material whether it is placed to the credit of the one or the other year; the general result of the two years will be the same.

The receipts of the fourth quarter, with the exception of payments made at Mobile and New Orleans, in the two last weeks of December, 1820, and in the whole month at most of the land offices, are ascertained to be \$4,045,585 99. In the annual report, the receipts of the fourth quarter were estimated at \$3,430,000; the actual receipts, therefore, exceed those that were estimated by \$615,585 99, and by \$115,585 99, if the payment made by the bank on the 30th of December be deducted from the receipts of 1820.

If the sum of \$615,585 99 be added to the sum of \$5,417,830 83, which was stated in my letter of the 21st December, 1820, to be the aggregate means

for the fourth quarter of that year, the amount at the disposition of the Treasury, in that quarter, will be augmented to \$6,033,416 82.

It is ascertained that the payments from the Treasury, during that quarter, have amounted to \$4,957,145 24, which, being deducted from the estimated means of that quarter, will leave in the Treasury, as already stated, on the 1st day of January, 1821, the sum of \$1,076,271 18. But if the \$500,000, paid by the bank, be deducted from the receipts of 1820, the balance on the 1st day of January, 1821, will be, as has already been stated, \$576,271 18.

The demands upon the Treasury during the year 1820, in order to complete the service of that year, and to effect the objects for which the several appropriations were made, and which are not included in the foregoing sum of \$4,957,145 24, which amounts to \$4,707,987 96, viz:

Civil, diplomatic, and miscellaneous, (being the difference between the sum of \$1,407,213 56, estimated to be paid in the fourth quarter, and the sum actually paid,) - - -	\$855,905 20
Public debt, - - -	2,076,918 15
War Department, - - -	665,164 61
Navy Department, - - -	1,110,000 00

Which leaves an excess of demand beyond the money in the Treasury of \$3,631,716 78, and of \$4,131,716 78, if the payment made by the bank be deducted from the payments into the Treasury in the year 1820.

It may be proper to observe, that, if the sum of \$2,076,918 15, of the Louisiana stock, has not been pressed for payment, it has been the result of forbearance on the part of the holders of that stock, and of confidence in the faith of the nation, that such forbearance will not operate to their injury. The other demands upon the Treasury, which were estimated as a charge upon it in the fourth quarter of the year 1820, and which are not embraced in the estimates of the expenditure for 1821, and which constitute a part of the deficit above stated, will, it is presumed, be demanded of the Treasury.

It will be perceived that the sums in the hands of the Treasurer, as agent of the War and Navy Departments, exceed the estimate of them, annexed to the estimates of the service of the year 1821. These moneys are drawn from the agent, as the demands upon the respective departments are presented, or requisitions from the disbursing officers of those departments are received. The amount drawn from the agent depends, therefore, upon contingencies over which the heads of those departments have no control, and may exceed or fall short of any estimate made by them for any definite period of time.

It may be proper, also, to state, that, in contemplation of law, money is not considered to be in the Treasury until a warrant is issued by the Secretary and receipted by the Treasurer, for the sums paid by the receiving officers into the bank; but, for the practical purposes of the Treasury, all sums paid into bank to the credit of the Treasurer are considered by him to be in the Treasury. Generally, the warrants covering the money received on account of the Government are issued quarterly for all sums received during the quarter. These warrants are usually issued about two months after the expiration of the quarter, as the payments made into the banks which are the depositories of the public money are not ascertained sooner.

The statements which accompany this letter are

explanatory of the views which it presents, or afford information connected with them, which it is presumed may be useful.

I remain, with respect, &c.,

WM. H. CRAWFORD.

Hon. JOHN TAYLOR,

Speaker of the House of Representatives.

The report was read, and, with the documents, referred to the Committee of Ways and Means.

Reduction of the Army.

The House resumed the consideration of the bill to reduce the Military Peace Establishment of the United States.

Mr. McCULLOUGH moved further to amend the third section of the bill (as recited on the Journal of the 18th instant) by expunging from the fifth and sixth lines thereof the words following, viz: "each with the rank, pay, and emoluments of a colonel of cavalry, as heretofore prescribed by law;" and also, from the eighth and ninth lines thereof, the words "with a salary of two thousand dollars per annum;" and also, after the word "purchases" in the tenth line, the following words: "whose compensation shall not exceed two and a half per centum on the public moneys disbursed by him, nor the sum of fifteen hundred dollars per annum; and also, from the thirteenth and fourteenth lines, the words "to be compensated as heretofore;" also, after the words "surgeon general," in the sixteenth line, the words "with a salary of two thousand dollars per annum;" and also, after the words "apothecary general," in the seventeenth line, the words "with a salary of fifteen hundred dollars per annum;" and to add to the section the following words, viz: "the said several officers to hold the rank, pay, and emoluments which now are, or heretofore may be, prescribed by law."

After considerable debate, in which Messrs. McCULLOUGH, RICH, McLEAN, BURTON, FLOYD, BRUSH, and MERCER, took part, the motion of Mr. McCULLOUGH was negatived, first on the question of inserting, and then on striking out the existing compensations.

Mr. BRUSH then moved to strike out the word "general," after "Quartermaster," so that there should be a Quartermaster without the addition of "general," the rank of general being proposed to be taken from the office.—Negatived.

Mr. EVERTS moved an amendment, the object of which was to place the deputy commissaries and quartermasters on the footing on which they will be found to stand in the amended bill, instead of that in which they stood in the original bill.

This motion was agreed to, 51 to 47.

The question having been then stated on ordering the bill, as amended, to be engrossed for a third reading—

Mr. BARBOUR and Mr. MERCER addressed the House, each at great length; the first in favor of the bill, the latter against it.

The question was then taken on ordering the

bill to be engrossed for a third reading, and decided as follows:

YEAS.—Messrs. Abbot, Adams, Alexander, Allen of Massachusetts, Allen of New York, Allen of Tennessee, Baker, Ball, Barbour, Bayly, Beecher, Brown, Bryan, Buffum, Burton, Butler of New Hampshire, Campbell, Cannon, Clay, Cobb, Cocke, Crafts, Crawford, Culpeper, Cushman, Dane, Dennison, Earle, Eddy, Edwards of Connecticut, Edwards of North Carolina, Eustis, Fay, Fiaber, Floyd, Foot, Garnett, Gray, Gross of New York, Gross of Pennsylvania, Guyon, Hall of New York, Hall of North Carolina, Hardin, Hendricks, Herrick, Hibshman, Hill, Hobart, Hooks, Hostetter, Jackson, Johnson, Jones of Virginia, Kendall, Kinsley, Lathrop, Lincoln, Livermore, Macclay, McCoy, McCreary, McCullough, Mallary, Marchand, Meigs, Metcalf, Monell, Montgomery, R. Moore, T. L. Moore, Morton, Mosely, Murray, Neale, Nelson of Massachusetts, Patterson, Philson, Plumer, Randolph, Rankin, Rhea, Richards, Richmond, Ross, Russ, Sawyer, Shaw, Silsbee, Sloan, Southard, Stevens, Tarr, Terrill, Tomlinson, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Upham, Van Rensselaer, Walker, Warfield, Williams of Virginia, Williams of North Carolina, and Wood—109.

NAYS.—Messrs. Anderson, Archer of Maryland, Baldwin, Bloomfield, Brevard, Brush, Butler of Louisiana, Case, Clark, Cook, Crowell, Cuthbert, Darlington, Davidson, Dickinson, Ford, Fuller, Gorham, Hemphill, Jones of Tennessee, Little, Lowndes, McLane of Delaware, McLean of Kentucky, Mercer, S. Moore, Nelson of Virginia, Newton, Parker of Massachusetts, Parker of Virginia, Pinckney, Ringgold, Robertson, Rogers, Sergeant, Simkins, Smith of New Jersey, Smith of Maryland, A. Smyth of Virginia, Smith of North Carolina, Storrs, Street, Strong of New York, Udree, Wallace, Wendover, and Whitman—47.

So the bill was ordered to be engrossed and read a third time to-morrow, as amended.

THURSDAY, January 23.

Reduction of the Army.

The engrossed bill for the reduction of the Military Peace Establishment, was read a third time.

Mr. SIMKINS rose, and spoke against the passage of the bill, and in reply to the gentlemen who had supported it.

Mr. FLOYD made a few explanatory remarks.

Mr. SMITH, of Maryland, assigned the reasons why he should vote against this bill, though not opposed to a proper reduction of the Military Establishment.

Mr. EVERTS replied to Mr. SMITH, and defended the bill in regard to some of its details.

Mr. NELSON, of Virginia, opposed the bill in toto, in its objects and in its details, as contrary to the public interest.

Mr. RICH briefly assigned the reasons why he should vote for the bill.

Mr. CLAY stated the reasons why he thought the interest of the country called for the passage of the bill.

The question on the passage of the bill was

JANUARY, 1821.]

Fugitive Slaves.

[H. OF R.]

then taken by yeas and nays, and decided in the affirmative—109 to 48, as follows:

YEAS.—Messrs. Abbot, Adams, Alexander, Allen of Massachusetts, Allen of New York, Allen of Tennessee, Archer of Virginia, Baker, Ball, Barbour, Bayly, Beecher Brown, Bryan, Buffum, Burton, Barwell, Butler of New Hampshire, Campbell, Claggett, Clay, Cobb, Cocke, Crafts, Crawford, Culpeper, Cushman, Dane, Dennison, Earle, Eddy, Edwards of Connecticut, Edwards of North Carolina, Eustis, Fay, Fisher, Floyd, Foot, Gray, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hall of North Carolina, Hardin, Hendricks, Herrick, Hibshman, Hill, Hobart, Hooks, Hostetter, Jackson, Johnson, Jones of Va., Kinsey, Kinaley, Lathrop, Lincoln, Livermore, Macclay, McCoy, McCreary, McCullough, Mallary, Marchand, Meigs, Metcalf, Monell, Montgomery, R. Moore, T. L. Moore, Morton, Mosely, Murray, Neale, Nelson of Massachusetts, Patterson, Philson, Pitcher, Plummer, Randolph, Rankin, Rhea, Rich, Richards, Richmond, Ross, Russ, Shaw, Silsbee, Sloan, Southard, Stevens, Tarr, Terrell, Tomlinson, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Upham, Van Rensselaer, Warfield, Williams of Virginia, and Wood—109.

NAYS.—Messrs. Anderson, Archer of Maryland, Baldwin, Bloomfield, Brevard, Brush, Butler of Louisiana, Case, Clark, Cook, Crowell, Cuthbert, Darlington, Davidson, Dickinson, Ford, Fuller, Gorman, Hemphill, Jones of Tennessee, Little, Lowndes, McLane of Delaware, McLean of Kentucky, Mercer, S. Moore, Nelson of Virginia, Newton, Parker of Massachusetts, Parker of Virginia, Pinckney, Reed, Ringgold, Robertson, Rogers, Sergeant, Simkins, Smith of New Jersey, Smith of Maryland, A. Smyth of Virginia, Smith of North Carolina, Storrs, Street, Strong of New York, Udree, Wallace, Wendover, and Whitman—48.

Commodore Perry's Family.

The House then resolved itself into a Committee of the Whole, Mr. Foot in the chair, on the bill reported at the last session of Congress, for the relief of the family of the late Oliver Hazard Perry, and to provide for the education of his children at the public expense.

The bill having been read through—

On motion of Mr. RANDOLPH, who declined occupying the time of the House by speaking on the subject, the blanks in the bill were filled, so as to make the proposed allowance to be \$350 per annum for the mother of the late Commodore Perry, \$400 for his widow, (during life, or until in remarriage,) and \$150 for each of the children, until they arrive at twenty-one years of age. The whole amount proposed to be annually appropriated being \$1,880, the estimated amount of half the pay which Commodore Perry, whilst living, would have enjoyed whilst on separate command.

Mr. HARDIN moved to strike out all the bill except the enacting clause, and insert, in lieu thereof, a provision, allowing to the family of Commodore Perry half-pay for the term of five years, being, Mr. H. said, the amount which they would have received had Commodore Perry fallen in battle.

On this motion there arose a short debate.

The motion of Mr. HARDIN was negatived, on a division, by apparently a large majority.

The committee then rose, and reported the bill.

The House having concurred in filling the blanks as reported from the committee—

Mr. HARDIN renewed the motion he had made in Committee of the Whole, and demanded the yeas and nays on it.

The yeas and nays being taken, there were, for the amendment 62, against it 82.

So it was not agreed to.

Mr. CLAY, though decidedly in favor of the object of the bill, objected to that part of it proposing an allowance of \$380 per annum, during life, to the mother of the deceased; and, on his motion, that part was stricken out.

Mr. RANDOLPH moved a reconsideration of the allowance of \$400 per annum to the widow of Commodore Perry, with a view to make it \$780, by adding to it the \$380 just stricken out; so that the amount to the family should be the same, though the distribution would be different.

The motion of Mr. R. was negatived, by a vote of 69 to 52.

On the question for ordering the bill to be engrossed for a third reading, the yeas and nays being demanded by Mr. BRUSH, there were, for the bill 76, against it 62.

So the bill was ordered to be engrossed and read a third time to-morrow.

WEDNESDAY, JANUARY 24.

Fugitive Slaves.

Among the papers offered during the presentation of memorials to-day, was the following, presented by Mr. BROWN, of Kentucky:

Whereas it is represented to the present General Assembly that many negroes and persons of color, the property of citizens of this Commonwealth, have escaped from their lawful owners into the province of Canada, and are there protected from recapture by the subjects of His Majesty the King of Great Britain, residing in said province of Canada: And whereas the practice of concealing and countenancing slaves that thus escape from their lawful owners, tends greatly to the injury of the people of this State, and, if persevered in, may lead to unhappy consequences between the subjects of his said Majesty's Government and the citizens of the United States:

Resolved, therefore, That it is the opinion and desire of the present General Assembly, that the Government of the United States invite the attention of the British Government to this subject, and, if practicable, procure arrangements to be made, on the part of that Government, for the restoration of such fugitive slaves as shall have heretofore escaped, or may hereafter escape, from their lawful owners, (being citizens of the United States,) into any of his said Majesty's North American dominions. And the Governor is requested to transmit to the Executive of the United States, and to each of the Senators and Representatives in Congress from this State, copies of the foregoing resolution.

The SPEAKER stated that, according to the rules of the House, this resolution could not be received, not being "addressed to the House;" though the subject might readily be brought before the House in a different form. Upon which, Mr. B. withdrew the resolution, with the intention of presenting the subject to the House in a different shape.

Admission of Missouri—Mr. Eustis's Resolution.

The House then, on motion of Mr. EUSTIS, resolved itself into a Committee of the Whole, and proceeded to the consideration of the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby declared, That, the — day of — next ensuing, the State of Missouri shall be admitted into the Union upon an equal footing with the original States, in all respects whatsoever: Provided, That so much of the 26th section of the 3d article of the constitution of said State, presented to Congress at the present session, as makes it the duty of the Legislature to pass such laws as shall be necessary "to prevent free negroes and mulattoes from coming to and settling in this State, under any pretext whatsoever," shall, on or before that day, have been expunged therefrom.

The resolution having been read—

Mr. EUSTIS stated the objects he had in view in moving this resolution to be, to remove the only objection which he had to the admission of Missouri into the Union; to give facility and despatch to the admission of the State into the Union, and thereby to preclude the possibility of this question ever again coming before Congress. These were his only motives, and he had, in moving the resolution, acted without consulting with any one else. Foreseeing a difficulty in prescribing the mode in which the amendment might be made, he had left that a question for separate consideration, in order to obtain a decision on the principle of the resolution. Having introduced the resolution with a sense of duty, should it not meet with the approbation of the House, he should be entirely satisfied with having in proposing it, performed what he believed to be his duty.

On motion of Mr. EUSTIS the blanks in the resolution were filled with the first of October next.

Mr. FOOT moved to postpone the resolution, in order to take up that from the Senate, under the impression that doing so would facilitate a final decision on the subject.

Mr. LOWMYER suggested that in all probability nothing would be gained by this course, as the same question now before the House might, and probably would be, brought up by a motion to amend the resolve in the Senate.

The motion to postpone was negatived.

No debate arising—

The Chairman put the question to agree to the resolution, and it was negatived by a large majority.

The committee then rose and reported their decision to the House.

The SPEAKER put the question on agreeing to the amendments made in committee, (by filling the blanks in the resolution.)

It being objected that the report of the committee had been to *reject* the resolution—

The SPEAKER decided that no committee, whether select or of the whole House, has the power of rejecting any bill or resolution referred to it. Bills and resolutions are referred to committees to be discussed and amended or not, and not to be agreed to or rejected in form, though sometimes virtually rejected by striking out their vital parts.*

The decision was objected to by Mr. RANDOLPH, Mr. BARBOUR, and Mr. COBB, but justified by Mr. SERGEANT, and in part at least by Mr. LOWMYER. In the end, however, no appeal was taken from the decision of the Chair.

The House having agreed to the amendment made in Committee of the Whole—

The question was then taken, "Shall the resolution be engrossed, and read a third time?" and determined in the negative—yeas 6, nays 146.

So the resolution was rejected.

After a pause—

Mr. CLAY rose, and gave notice, that, if no other gentleman made any motion on the subject, he should on the day after to-morrow move to go into Committee of the Whole on the state of the Union, to take into consideration the resolution from the Senate on the subject of Missouri.

THURSDAY, January 25.

Occupation of the Columbia River.

Mr. FLOYD, from the committee appointed on the 19th ultimo to inquire into the situation of the settlements on the Pacific Ocean, and into the expediency of occupying the Columbia River, made a detailed report, accompanied with a bill to authorize the occupation of the Columbia River, and to regulate the intercourse with the Indian tribes within the United States and territories thereof; which bill, by leave of the House, was reported, read twice, and committed to a Committee of the Whole to-morrow. The report is as follows:

The committee to whom was referred the resolution of the 19th of December, 1820, to inquire into the situation of the settlement upon the Pacific Ocean, and the expediency of occupying the Columbia River, report: That they have carefully examined the subject referred to them, and, from every consideration

* "If it be a paper referred to them, (a committee, whether select or of the whole,) they proceed to put questions of amendment, if proposed, but no final questions on the whole; because all parts of the paper, having been adopted by the House, stand of course, unless altered or struck out by a vote. Even if they are opposed to the whole paper, and think it cannot be made good by amendments, they cannot reject it, but must report it back to the House without amendments, and there make their opposition."—*Jefferson's Manual.*

JANUARY, 1821.]

Occupation of the Columbia River.

[H. OF R.]

which they have been able to bestow upon it, believe, from the usage of all nations, previous and subsequent to the discovery of America, the title of the United States to a very large portion of the coast of the Pacific Ocean to be well founded; nor have they been able to ascertain that any other Government than Spain has made claim to any part of it, from Cape Horn to the sixtieth degree of north latitude.

When this continent was first made known to Europe, by the bold and enterprising genius of Christopher Columbus, it seemed for a long time conceded that the Spanish monarchy, which alone could be prevailed upon to listen to his plans and propositions, was most entitled to the benefits resulting from the successful issue of his undertaking. Though Ferdinand and Isabella, who, at that time, filled the throne of that country, did not rest their title upon the tacit consent of other nations, or even upon their armies or fleet, which was, at that period, formidable, and well provided; but, instructed by the example of the Portuguese, who had obtained a grant for all countries east of the Azores, from pole to pole, they obtained a similar grant from the Roman Pontiff of all the territories they wished to occupy west of the same point, as the superstition of the times conferred on him a right of dominion over all the kingdoms of the earth. Thus, in virtue of his power, as the vicar and representative of Jesus Christ, did Alexander VI., in 1498, grant to the Crown of Spain, in full right, all the countries inhabited by infidels, which they had or should discover.

Enormous as the power was, which the Popes then exercised, it was recognized and submitted to by the monarchs of that day, and considered as having vested in Spain a title which they deemed completely valid, and authorized her to extend her discoveries and establish her dominion over a great portion of the new world. The Spanish Crown, as well as individuals, the subjects of that power, continued to fit out ships for voyages of discovery, and, in the space of a few years, had visited various parts of the coast of America, from the Gulf of Mexico, to many degrees south of the equinoctial line, taking possession, according to the custom of that day, in the name of the Spanish King. Nor was their zeal for discovery confined to the Atlantic shore alone; parties, under daring and enterprising leaders, penetrated far into the interior of the continent, and even to the shores of the Pacific Ocean, wresting by violence the rich Empires of Peru and Mexico from the peaceful and legitimate sovereigns who reigned over them, and annexed them to the Crown of Spain, by the triple title of conquest, discovery, and the grant of the Pope.

So well satisfied do the rest of Europe seem to have been of the rights of Spain, derived from such high authority, that they permitted her to progress unmolested in her career of discovery and conquest for many years, until she had acquired the undisputed possession of most of the Atlantic coast of South America, and the whole shore of the Pacific, as high as the northern extremity of California, and, as they affirmed, after they came in possession of Louisiana, to a point far to the northward of that.

Though discoveries were frequently made of countries among the most beautiful and fertile, where nature seemed to invite the industry of man to the enjoyment of luxuriant abundance, yet none seemed to arrest the attention of either Government or people, but those which contained the precious metals; this

morbid thirst for gold may be the cause why no settlements were made north of California, as no metal of that description is believed to be found in that region.

About this time it became the interest of the British Crown to think differently on the subject of religion from the See of Rome, and, separating entirely from it, assumed the right of annexing to their Crown all the territories discovered by their subjects, and of bestowing them by charter upon individuals. To this end, grants were issued by Elizabeth in the year 1578 and 1584, the one to Sir Humphrey Gilbert, the other to Sir Walter Raleigh, which were limited to a certain number of leagues, but those issued in 1606, 1608, and 1611, by James I., in the charters for Virginia, were declared to embrace the whole extent of country from thirty-four to forty-five degrees of north latitude, extending from sea to sea, always excepting the territories of any Christian Prince or people.

It is believed that when these charters were granted by the Monarchs of England, they were not well apprised of the extent of country they were giving away, but from their reservations, in regard to the title of Christian Princes or people, they were apprised of the title of Spain upon the western ocean, though not informed of its extent; as it is evident from the words Christian and infidel often occurring, both in the charters of the Monarchs and the bulls of the Pope, the legitimate sovereigns, as well as people of this country, in that day, were considered as possessing no rights. With whatever care they avoided collisions with each other respecting territory which might produce a war with a power equally skilled in the military art with themselves, they were not scrupulous in dispossessing the natives of both Americas of their country, all of whom were as brave, as generous, and magnanimous as themselves, and some of whom as far advanced in civilization and the arts of peace, though not professing to be Christians, or skilled in war.

The opinion of Europe undergoing another change upon the subject of discoveries in unknown regions, they were now reduced to a more definite and reasonable extent, consequently, in a few years, a third mode of obtaining territory came to be admitted by all as the basis on which they could safely rely for a just decision of their claims, should difficulties present themselves; and one which, to a moderate extent, gave to all nations the benefit of their own labors. By this rule, too, all the territory thus acquired was vested in the State rather than the Crown, which Spanish jurisprudence, under the authority of the Pope, seemed to consider.

Hence, the power which discovered a country was entitled to the whole extent of soil watered by the springs of the principal river or water course passing through it, provided there was settlement made, or possession taken, with the usual formalities, in the name and on the behalf of the Government to whom the individual owed allegiance. Though the tacit consent of all seemed to yield the sovereignty from sea to sea, where no settlement or express possession was had of an intermediate country; and such right was held good to the whole extent, but not wholly confirmed until another settlement was made at a distinct point upon the same territory beyond the water of the first, or so distant as not manifestly to encroach upon the establishments of the coast; other powers, though, might avail themselves of the failure of the first to occupy another principal stream, or

distant point, and become thereby vested with a full right of sovereignty. This seems to have been the condition of America until the close of the war of 1812; since which time all treaties have yielded to the different powers, in full right, all they claimed, either by settlement, or from the failure of others to occupy the principal streams when they might do so. There is now no longer territory to be obtained by settlement or discovery; and if there should be any difficulty, it will be where the different limits of the different powers shall be fixed.

Impressed with a belief, that, under this mode, valuable possessions might be added to the French monarchy, it is presumed Sieurs Joliet and Marquette penetrated the unknown wilderness from Canada, and discovered the Mississippi so long ago as the year 1673, and explored it down to the Arkansas. Perhaps, encouraged by their success, a few years after, Hennepin visited those regions, and pursued that river to its mouth. His representations, with other considerations, two years after, induced M. de la Salle and M. Tonti to descend that river with a considerable force to the Gulf of Mexico, and they are believed to have built the fort during that trip, the bricks and other remains of which are now to be seen on the first high ground on the west side of the Mississippi, below the mouth of the White River.

After this period, in 1685, M. de la Salle, being on his return from France, landed on the west side of the Rio Colorado, in the bay of St. Bernard, and planted a considerable colony there, taking possession, in due and solemn form, in the name of the French King. Such were the discoveries which gave to France the country called Louisiana, from the Rio Grande del Norte, being the next great river to the west of that settlement, along the mountains of Mexico and Spain west, as the western limits, and California as the eastern boundary. That France, and all other nations interested in its boundary, considered it in the same light, is ascertained in various ways, to the conviction of the most incredulous.

In consequence of these settlements and discoveries of the French, Louis XIV. granted, by letters patent, in the year 1712, to Anthony Crozat, the exclusive commerce of that country, and defines its boundary, declaring that it comprehends all lands, coasts, and islands, situated in the Gulf of Mexico, between Carolina on the east, and Old and New Mexico on the west. The French title to these boundaries is further established by the Chevalier de Champigny, who lived in the country, and declares Louisiana to extend to the Rio Grande del Norte, and the mountains of Mexico. This appears to be the opinion of other writers, who, it is presumed, had the most intimate knowledge of the subject, and among them we find that intelligent statesman, the Count de Vergennes, in a work entitled an Historical and Political Memoir of Louisiana, where he says, it is bounded by Florida on the east, and by Mexico on the west. The same extent is assigned to it by Don Antonio de Alcedo, an officer of high rank in the service of Spain, entitled "Diccionario Geografico Historico de las Indias Occidentales ó America." Don Thomas Lopez, geographer to the King of Spain, in a map published in 1762, is of the same opinion, which is supported by the opinion of De Lisle, of the Royal Academy of Paris, in the year 1782.

Upon the testimony of so many respectable writers, many of whom were in the employment of both France and Spain, not to mention the authority of

Du Pratz, it is believed the United States may with safety rely, they having, by the Treaty of Paris of 1803, become possessed of the French title. If, however, there exists any obscurity in the boundary of that province, Spain, with whom it is supposed the title conflicts, has no right to claim any benefit arising from it, as all the writers and geographers above referred to agree in fixing Mexico, New Spain, the Rio Grande del Norte, and the mountains of Mexico, as the true boundary anterior to the treaty of 1763. If she, then, by treaty, obtained from France that country, with these limits, as asserted by France, and different ones not being stipulated for by her, she cannot now, with any shadow of justice, propose others. Moreover, Spain, by the Treaty of St. Ildefonso, retroceded this same country to France, with the same extent of boundary it had when originally in her possession, thereby confirming to France, without doubt, all she originally claimed particularly, as no notice is there taken of the invalidity of the original French title to the full extent of their claim; at all events, it is believed, if there was difficulty in regard to it, during this last transfer would have been the time to adjust it; or, by the law of nations, it is thought, as well as candor and good faith, she has not, or ought not, to be permitted to insist upon other boundaries. That law, in one place, declares, that "if the party making them (meaning grants or cessions) fails to express himself clearly and plainly, it is the worse for him; he cannot be allowed to introduce, subsequently, restrictions which he has not expressed."

It is proper, before this part of the subject is passed over, to remark, that, from the examination of the best records of the times, from the discovery of America until the year 1763, the bull of the Pope rather gave a title to the country, the coast of which had been examined by the Spaniards, than confirmed, beyond the participation of other nations, the hemisphere west of the Azores; but, where an extensive coast had been discovered by them, and no settlement attempted previous to 1763, that coast, and its extended interior, has been considered the property of the nation so discovering it; or discovering the interior, the unoccupied coasts becomes a part.

Great Britain, as was her interest, maintained for a long time the old notion of a right to grant by charter all the countries from sea to sea, where it did not interfere with the territory of any Christian Prince or people; and her obstinate adherence to that system is considered as largely contributing to the production of the war of 1755, when she was opposed by France and Spain, as granting away almost all Mexico and the French possessions, both claiming much of the intermediate country, and the coast of the Pacific. Great Britain, at the close of that war, abandoned her pretensions, and gave manifestations of her sincerity, by revoking the first charter granted to Georgia, and in the second, in 1764, limited it to the Mississippi, and agreed, in 1763, to limit her whole territory to that river in the west.

Where territory has been acquired, as already shown, upon any coast, and the same coast is actually settled, or occupied by another power, at such a distance as not manifestly to encroach upon the first, the point equidistant from either is considered as the utmost limits of each. This principle, it is believed, was fixed and settled by all the most important treaties which have engaged the powers of Europe in affairs appertaining, in any way, to possessions in

JANUARY, 1831.]

Occupation of the Columbia River.

[H. OF R.]

this country, and, it is believed, was acted upon and sanctioned, not only by the treaty of 1763, but, in some measure, by that of Utrecht, in 1713.

Spain, by virtue of her original discovery, and actual settlement in Mexico, together with her title to Louisiana, claimed the Pacific coast of North America, as high up as the sixtieth degree of north latitude; and, to enforce her claim, in the year 1789, sent a ship-of-war up the coast to capture or drive from those waters several English vessels fitted out in the East Indies by English merchants, upon their own authority, and at their own risk, to trade with the natives in that quarter. This service was performed by Martinez, of His Catholic Majesty's navy; and, in the year 1790, became the subject of a message from the British King to his Parliament. Although much debate ensued, and some resentment was expressed towards Spain for her treatment of the British subjects, who were made prisoners, yet no claim was alleged on the part of England to territory there. Great Britain, in the course of that transaction, seems to have recognized the claim of Spain, and was willing to treat for the enjoyment of privileges on that coast, which she obtained, and was, by stipulations, invested with the further right to fish even as low down as the Gulf of California.

The Spanish monarch, being in possession of the French title, regardless of that which the United States had obtained, according to the mode last adopted, felt great confidence in his negotiations with the British Government, in the year 1790. But the territory, the title to which gave that confidence, has since, by the Treaty of Paris, come into the possession of the United States, and it is believed the Treaty of St. Ildefonso confirmed to France the full extent of boundary originally claimed, Spain taking no notice of the original error, if any existed.

Under this view of the case, the United States, being possessed of the title of France, and, by a just application of the law of nations, that of Spain too, if she ever had any, leaves them the undisputed sovereignty of that coast, from the sixtieth degree of north latitude down to thirty-six, which is believed to be the situation of the mountains of Mexico, alluded to in all the authors and charts before referred to. If, however, there should remain a doubt, that doubt is relieved by a reference to the subordinate principle recognized by the Treaties of Utrecht and Paris, in 1763. When we know that all the formalities deemed necessary in the possession of a newly discovered country have been complied with on the part of the United States; that, in the years 1785-'6, an establishment was made at the mouth of the Columbia River, by Mr. Hendricks, the full and entire benefit of whose courage, enterprise, and success, results to this Union; and that at a later day, in 1805, Messrs. Lewis and Clark, in executing the desires of this Government, again visited the Columbia and the Western ocean, twelve miles from which they built Fort Clatsop, yet to be seen—these establishments made by the United States, not so near the settlements of California as manifestly to encroach upon them, entitle them to the whole country north of Columbia River. And, in applying the principle known to govern in such cases, the point equidistant from the Spanish actual settlements and the mouth of that river is the true point at which a line drawn separating the two countries should commence. The actual settlements of Spain are believed to have been, at that time, upon the Colorado of California, in lati-

tude 32° north; but, even supposing the point to be the extreme south of the claim of the United States, which is believed to be 86°, then the line of separation would fall at 41°. And, if any doubt arose as to the claim of the United States to the full extent of the Spanish title, to the north of Fort Clatsop, so high as 60 degrees of latitude, there could remain no doubt as far as the equidistant point, which would be at the completion of the 53d degree of latitude, leaving us twelve degrees of coast on that ocean.

From every information that can be obtained, worthy to be relied upon, our coast on the Pacific, for years past, has been the theatre of much individual enterprise, stimulated by the rich returns of numerous whale ships, and the great profit of the fur trade, together with the flattering accounts of Messrs. Lewis and Clark, relative to the resources of the interior, though no regular trade or well-organized system of commerce existed until the year 1810, in the course of which year a vessel was fitted out in the city of New York, well supplied with provisions and seed of every description necessary in a permanent occupation of the coast, which they contemplated. This little colony consisted of a hundred and twenty men when it arrived in the Columbia; and after ascertaining its soundings, they removed some miles above Fort Clatsop, and built the town of Astoria, where a portion of them cultivated the soil, whilst the others engaged in the fur trade with the natives. The soil was found to be rich, and well adapted to the culture of all the useful vegetables found in any part of the United States; as turnips, potatoes, onions, rye, wheat, melons of various kinds, cucumbers, and every species of pease. In the course of a year or two, it was believed their interest would be promoted by cultivating and securing the friendship and confidence of the tribes inhabiting the waters of that great river; to which end, the town of Astoria was maintained by about thirty men, whilst the rest established themselves at five other points, to become fixed stations, to raise their own vegetables, trade with the natives, and receive supplies of merchandise from the general depot of Astoria, and to return to it the fruits of their labor. One of these subordinate establishments appears to have been at the mouth of Lewis's River; one at Lantou; a third on the Columbia, six hundred miles from the ocean, at the confluence of the Wantana River; a fourth on the east fork of Lewis's River; and the fifth on the Multnomah. Thus situated, this enterprising little colony succeeded well in all their undertakings, nor met with but one misfortune, which seemed to partake largely of that kind which had, for a long time, so certainly and so unseen, been inflicted upon our Western inhabitants; this was the loss of the *Tonquin*, a vessel they had taken from New York, whilst trading down the coast, where, in time past, she had been, in common with the ships of some European Powers, enjoying the friendship and confidence of the natives. This confidence had by some means been destroyed, and, whilst they induced many of the ship's company to go on shore, many of their own number went on board the ship, and suddenly attacking the crew, the whole were destroyed, as well as the vessel. This, though a great affliction to the survivors on the Columbia, did not dishearten them, as other vessels were expected soon to arrive, and, with these expectations, they continued their trade, which, becoming profitable, they were the less inclined to abandon. But the operations of the war of 1812, which took

place between the United States and Great Britain, were destined to mar their prosperity. That Government, it appears, despatched a vessel of war called the *Raccoon*, to destroy or possess Astoria, which, by the assistance of the Indians, influenced by the Northwest and Hudson's Bay Companies of fur traders, they were easily enabled to do; and have, from that period to the present time, continued to reside at it, as well as on the river above, though a messenger or agent was sent by the authority of the United States to receive, and did receive, that post from them, at the close of the late war.

From every reflection which the committee have been able to bestow upon the facts connected with this subject, they are inclined to believe the Columbia, in a commercial point of view, a position of the utmost importance; the fisheries on that coast, its open sea, and its position in regard to China, which offers the best market for the vast quantities of furs taken in those regions, and our increasing trade throughout that ocean, seems to demand immediate attention.

The fur of every country which has produced it, has been ever esteemed one of its most valuable commodities, and has long held a rank among the most profitable articles of commerce; it was much sought for even in the days of Tatila, a Visigoth, who reigned in Italy about the year 522, at which time they drew their supplies from the Suetons, who inhabited that part of Europe called Sweden. The Welsh set a high value on them as early as the time of Howel Dda, in 940, and, from its being first an article of dress, used only by the poorer class of the community, it by gradually extending itself came to be one of luxury of the highest value, in which kings and princes vied with each other in their costly magnificence and display; their clothes were not only fashioned of them, but even their tents were lined with the finest varieties. Such was the display of the Cham of Tartary, when he was visited in his tent by Marco Polo, about the year 1252. It had become so much in use, and so high in price, that Edward III., in the year 1337, deemed it expedient to prohibit its use to any but those who could afford to spend a hundred pounds a year, without detriment to their property. At that day, having exhausted those parts of Europe which had supplied them, the price increasing with a growing demand, they were obliged to seek them elsewhere, and procured their supplies from the north of Asia. This, for a long time, poured into the adjoining parts of Europe, immense sums, as it was in that direction they were brought to market. This trade, so valuable to that part of the world, had no competition, nor were other sources of supply even known until Francis I. of France, in the year 1514, sent Jacques Curtis, of St. Maloes, to make discoveries in this country. That gentleman entered the St. Lawrence, and exchanged his merchandise for fur, which was the commencement of a feeble trade, that was continued until the year 1608, when Samuel Champlain went some distance up that river, and laid the foundation of the town of Quebec, as a trading establishment, and commenced a system which, however, did not greatly flourish until about the year 1649. But very soon after that country came into the possession of England, this trade was cherished and greatly increased, and the dominion of the Hudson's Bay enabled her not only to supply Russia itself, and all Europe, but even to send it to Turkey, and round the Cape of

Good Hope, to distant China. That trade which had destroyed all competition, and, in the hands of well-regulated companies, was capable of enriching an empire, had yielded a part of its profits to the skill and industry of individuals upon our western shore; that skill and that industry has withered, not for the want of fostering care, but justice and protection.

The fur trade of Canada has long been conducted by well-organized companies; and, although they encounter infinite difficulties, yet the great profit of their business enables them to overcome them, and to divide a considerable percentage. All those articles intended as supplies for the Indians are shipped at Montreal and carried far into the interior, through lakes, and rivers, and difficult streams, until they arrive even in the vicinity of the Rocky Mountains. The increasing wealth derived from this source, induced a large increase of capital, and corresponding exertions to obtain a more extensive knowledge of the rivers and lakes through which their merchandise was to be carried, and a more extensive acquaintance with the natives, among whom they were eventually to be disposed of for furs, the produce of the labor of the savage. With views of this kind, small parties have been despatched, at different times, from the year 1774 until the year 1793, to examine the rivers of the West. At the period last mentioned, one of those parties, under the direction of Alexander McKenzie, penetrated even to the Western ocean, thereby greatly adding to their stock of useful knowledge in that branch of commerce, which they have not failed duly to appreciate. Notwithstanding the great difficulties which the British furriers encounter, from the embarrassment of their commerce by their different systems of exclusive privilege, these companies find it a source of vast profit, far exceeding any thing known in the United States; this, too, when the merchandise is so much advanced in price, from the distance and the numerous obstructions. The enhanced value of the articles, and their difficulties in transporting them, may be fully understood, when it is known the tract of transport is equal to three or four thousand miles, through more than sixty lakes, some of them very considerable in extent, and numerous rivers, and the means of transportation are bark canoes. Furthermore, these waters are interrupted in at least a hundred places, by falls and rapids, along which the trader has to carry his merchandise on his back, and over a hundred and thirty carrying places, from twenty or thirty yards in extent to thirteen miles, where both canoe and cargo have to be conveyed by the same means.

These are some of the obstructions which the Northwest Company encounter: yet their exports from Quebec alone are valued at more than a million of dollars annually, without reference to those brought to the United States, and shipped from New York and Philadelphia direct to China, rather than incur the cost and delay in procuring them a passage to London, and thence to India, in the ships of the East India Company. Indeed, it appears that many of the goods of that company, destined for this trade, particularly on the coast of the Pacific, are shipped to Boston, and immediately reshipped in American vessels, for the benefit of drawback. These vessels are sometimes employed to make a voyage for them from the mouth of Columbia to Canton. To illustrate more fully the increasing value of this trade, it is only necessary to observe, that from Quebec, in 1803, there were exported the skins of six hundred and fifty thousand

JANUARY, 1821.]

Occupation of the Columbia River.

[H. OF R.]

seven hundred and twenty-nine quadrupeds, ninety-three thousand seven hundred and seventy-eight of which were the beaver. Since that time they have extended their trade beyond the Rocky Mountains, and have, as has already been observed, established themselves at the mouth of the Columbia. The amount of their export from that port cannot be ascertained, but it is thought to be of great value. The Hudson's Bay Company is believed to be considerable, and, from a state of former depression, is fast becoming the rival of the other, but for several years past have withdrawn their traders from the west side of the Rocky Mountains; they have fewer difficulties to overcome in arriving at the highest point of navigation than the Northwest Company. Their route is through the Hudson's Bay, the Nelson River, to Lake Winnipeg; thence, by passing other lakes, they ascend the Red River to their establishment, which is within ninety miles of the Missouri River, at a point called the Mandan villages. This river takes its rise in the Rocky Mountains, in about the forty-third degree of latitude, and observes a course north and northeast towards Hudson's Bay, until it arrives at the Mandan villages, a distance of nearly twelve hundred miles, when it turns short to the south, without any apparent cause, and joins the Mississippi; the water running to the Hudson's Bay at that point, approaching within one mile, and no hill or high ground to separate them, of any magnitude. Yet, notwithstanding the many advantages which the Hudson's Bay Company possessed over the Northwest Company, the Earl of Selkirk, the patron of the former, and a man of uncommon enterprise, was exceedingly desirous to obtain the privilege of supplying his establishments upon the Red River, by ascending the Mississippi to the St. Peter's; thence to its source in Stone Lake; then, by a short portage, through open woods and a level country, to his stations; or, taking the route by the Missouri to the Mandan villages, thence by a portage of ninety miles, to his place of destination. The exports of this company, for a short time past, have been very little less than those of the Northwest Company.

The committee, from carefully examining all the facts connected with the subject referred to them, are well persuaded that the situation of the United States is such as to enable it to possess all the benefits derived from this trade, which, in the hands of others, amounts to millions; many of whose trading establishments east of the Rocky Mountains are within the acknowledged limits of this Republic, as fixed by the Convention of London of the 20th of October, 1818; and, it is believed, that no power, with the exception of Spain, has any just claim to territory west of them, or on the Pacific. The dependence for subsistence of many of those establishments, is upon the buffalo beef hunted by the Assiniboin Indians, who inhabit the country between the river of that name and the Missouri; their hunting ground is far within our boundary. To succeed in procuring to the people of the United States all the wealth flowing from this source, it is only necessary to occupy with a small trading guard the most northeastern point upon the Missouri River, and confine the foreigners to their own territory; at the same time occupying, with a similar guard, the mouth of Columbia. The great profit derived from this trade by the Canadian companies, when we know the distance and obstructions in their rivers, and in the various streams they ascend in carrying it on, the advance of price consequent upon it

becomes rather a matter of amazement than otherwise, and inclines us to examine our own rivers with a view to the same object. Instead, however, of those formidable obstructions, we find a smooth and deep river, running through a boundless extent of the most fertile soil on this continent, containing within its limits all those valuable furs which have greatly enriched others; a certain, safe, and easy navigation, with a portage of only two hundred miles, uniting it with another river, equally smooth, deep, and certain, running to the great Western ocean. Thus are those two great oceans separated by a single portage of two hundred miles! The practicability of a speedy, safe, and easy communication with the Pacific, is no longer a matter of doubt or conjecture: from information not to be doubted, the Rocky Mountains at this time, in several places, are so smooth and open, that the labor of ten men for twenty days would enable a wagon with its usual freight to pass with great facility from the navigable water of the Missouri to that of the Columbia; the actual distance from river to river several hundred miles from their source, that is, from the great Falls of Missouri to the fork of Clark's River, is one hundred and forty-nine miles; the distance, therefore, of two hundred miles is to good navigation on the Columbia, which is the only river of any magnitude upon that whole coast, north of the Colorado of California, though there are several good harbors, secure and safe for vessels of any size.

The region of country from the ocean to the head of tide water, which is about two hundred miles, is heavily timbered, with a great variety of wood well calculated for shipbuilding, and every species of cabinet or carpenter's work; though there is a heavily timbered country thence for two hundred miles further, yet it is of a lesser growth, and quality not so durable: at that point commences the plain country, when the soil becomes more thin, and almost without wood, until it arrives at the table lands below the mountain. Though the soil of this region is not so good as in any other part of this great valley, yet it produces grass of the finest quality, and is emphatically called the region favorable to the production of the horse; this noble animal, so far surpassing all others in usefulness, courage, and swiftness, is here produced in greater perfection than even in Andalusia or Virginia. But, independent of all the wealth which may be derived from the fur trade of that river and the Missouri, the security, too, which the peace of this country would find in the influence which the American traders would obtain over the native, is the increasing commerce in the Western ocean. There is no employment so well calculated to make good seamen as the whale fisheries, which are known to be more profitable on this coast than any other; at the same time, the oil is far preferable to that taken on any other coast, being clear and transparent as rook water. While so many of our citizens are industriously engaged in the various branches of trade in those seas, more valuable to this country, it is believed, than any other: while all nations who have claims upon that coast, and some who have none, are anxious to occupy some position upon it, even at a vast expense, to enable them to participate in its benefits, we have neglected to extend to it any portion of our care, though it appears, from the best information, that there is at this time eight millions of property owned by citizens of this Republic in the Pacific Ocean.

Russia, whose dominions on the Asiatic coast oc-

copy nearly the same position upon that side which ours do on this, has long been well informed of the great and increasing value of that commerce; and while she has been nowhere visible, not even to the powers of Europe, only as she has of late taken part in a few memorable enterprises, she has been felt everywhere. No labor, care, or expense is avoided to make tributary the four quarters of the globe; forts, magazines, towns, cities, and trade, seem to arise on the coast as if by magic; with an army of a million of men, she sits not only in proud security as it regards Europe, and menaces the Turk, the Persian, the Japanese, and Chinese, but even the King of Spain's dominions in North America are equally easy of access, and equally exposed to her fearful weight of power. Her watchfulness is ever in advance in discerning the most practicable avenues to profitable commerce. In the midst of all her busy arrangements she has not neglected the opportunity of possessing herself of two important stations on the American shore of the Pacific—the one at a place called New Archangel, in about 59 degrees of north latitude, the other at Bodiga Bay, in latitude 38 degrees, 34 minutes. At the former of these military positions, for the protection of her commerce, it is presumed, she has incurred much expense, and built a fort of great strength, situated upon one of the best harbors on the coast, standing upon a point of land projecting into the little bay, giving something of the appearance of a conical island in the centre of it; this fort is well supplied at all times with provisions and military stores, mounting one hundred and twenty cannon, carrying balls from eighteen to twenty-four pounds weight. That at Bodiga is well constructed and supplied with cannon, and has a good harbor; at this point they have ammunition and merchandise in abundance, and find the Indian trade at this post as well as New Archangel very considerable; besides the fine condition of this fort and its defences, they have many field-pieces, some of brass, of the finest construction, in good order and well mounted.

All these supplies have been conveyed to those places through immense oceans, round Cape Horn, which would have appalled any but Russian policy and perseverance.

The light articles destined for this trade are transported from St. Petersburg in sledges, which will perform in three months that which would require two summers of water-conveyance to effect; their communications are open to Kamtschatka, to Fort St. Peter and St. Paul, by Okhotak, in the Pacific, where they have the finest harbor in the world; the distance is estimated at ten thousand miles. The nation which can encounter such journeys as these, often through seas of ice, and storms of snow so terrible as to obscure an object beyond the distance of a few paces, to prosecute any branch of commerce, must be well and fully informed of its value. That the objects she has in view may not, by any event, be taken from her grasp, after encountering such vast difficulties, she has found it expedient to occupy one of the Sandwich Islands, which not only enables her effectually to maintain her positions, but to command the whole northern part of the Pacific Ocean. These islands, lying just within the tropics, in the direct course from the lower coast of North America to Canton, are well supplied not only with all the fruits of that climate, but with every vegetable and animal known in this country.

It is worthy of remark, that among other advan-

tages which the Russian position on the opposite coast possesses, is, that a voyage from Kamtschatka to Japan can be made in an open boat, as it is a continued chain of islands from the Okhotak sea until it arrives at its place of destination.

Your committee are well persuaded that, by a little care and small expense, the citizens of this Republic might reap all the benefits of this trade, not only profitable now, but from every view of the subject there is a strong probability that it will increase for many years.

Were an establishment made at the mouth of Columbia, which should be allowed to take with them their women and children, there can be no doubt of success, as so many years' experience of the English fur companies have amply shown this mode has the most powerful effect in separating the minds of the men from pursuits which often in frontier countries lead to strife, as it gives them a local interest and feeling, and makes them even more vigilant and prudent in the discharge of all their duties. It is believed that population could be easily acquired from China, by which the arts of peace would at once acquire strength and influence, and make visible to the aborigines the manner in which their wants could be supplied. The coast of the Pacific is, in its climate, more mild than any part of the continent in the same parallel, and many vegetables on that shore grow in great abundance in the native forests, which are likewise natives of China.

It is known that when the Spanish Government, in 1789, sent their ships of war up the coast to capture the British vessels which were intruding, they found seventy Chinese, whom the English had procured to emigrate, that they might be employed in the mechanic arts; and, though the people of that country evince no disposition to emigrate to the territory of adjoining princes, it is believed they would willingly, nay, gladly, embrace the opportunity of a home in America, where they have no prejudices, no fears, no restraint in opinion, labor, or religion.

The committee cannot doubt that an establishment made on the Pacific would essentially benefit the natives, whilst it would give this country the advantage of all its own treasures, which otherwise must be lost forever, or rather never enjoyed; and, from all that can be ascertained relative to its present and increasing value, of more profit to this country than the mines of Potosi.

From the best information which can be had, it appears that the Indian trade on the Missouri, below the Mandan villages, is worth about \$120,000, and that on the Mississippi is valued at \$250,000, making the sum of \$370,000 annually. They have reflected upon this trade, and that prosecuted by the whalers on that coast, and are irresistibly drawn to the conclusion, that they are the most valuable to this nation, and demand its care and attention in a high degree. This trade, unlike any other, originates its own capital, and may fairly be said to bring into the United States \$370,000 every year, where not one dollar previously existed, and adds that much to the wealth of the community as decidedly as though it had been fished from the bottom of the rivers in gold and silver, as it is in the market of China, or any other market, capable of purchasing as much; and if, with that amount in furs, a vessel should sail from the mouth of the Columbia to Canton, which is a voyage of from fifty to seventy days, she would return with that in exchange which would sell for per-

JANUARY, 1821.]

Naval Peace Establishment.

[H. OF R.]

haps double that amount, thereby contributing to the comfort, enjoyment, and accommodation of the community, \$740,000, which is the result not of a profitable voyage, but a creative trade.

It is believed that a shipment of tobacco, flour, or cotton, bears no comparison, in point of profit, with this, as they are properly the rough manufactures of the country, and the result of considerable capital, and the cargo brought back in return for them, in European or other fabrics, is only an increased value they receive by being exported and returned to us in that shape. Hence, the exportation of \$370,000 worth of tobacco or cotton, should it return to us \$740,000 in European silk and cloth, is still the original cargo of tobacco or cotton, as nothing but these have been paid for them; but, in the first instance, he who manufactures either the tobacco, flour, or cotton, is compelled to take into consideration the capital employed, and then the balance is his gain; but in the fur trade and the whale fisheries, there is in the one little capital, in the other none.

Under the strongest belief that by a new organization of the system of Indian trade, comprehending a settlement on the Columbia River, great benefits would result to the citizens of the Republic, whilst the aborigines would be better protected and provided for by instructing them in agriculture and the minor branches of the mechanic arts, the committee ask leave to report a bill.

MONDAY, January 29.

Naval Peace Establishment.

Mr. BARBOUR, from the Committee on Naval Affairs, who were instructed, on the 11th instant, to inquire into the expediency of limiting by law the number of seamen, ordinary seamen, and boys, to be annually employed in the service of the United States, and also into the expediency of reducing the number now actually in service, made a report thereon; which was read, and committed to the Committee of the whole House on the state of the Union. The report is as follows:

That, by an act of Congress, approved the 3d of March, 1801, a Naval Peace Establishment was fixed by law, providing the number of ships which should be kept in constant service, in time of peace, and that the residue should be laid up in ordinary, with a sailing-master, certain petty officers, seamen, and marines attached to each vessel thus laid up; authorizing the President to officer and man the vessels to be retained in actual service, as he might direct, limiting him, however, to two-thirds of the then present complement of seamen and ordinary seamen, (by which the committee understand the two-thirds of the then full crews of the ships retained,) limiting the number of captains, lieutenants, and midshipmen, to be retained in the navy service in time of peace, and authorizing the President to discharge all the other officers in the navy service of the United States. That, by another act of Congress, approved April 21st, 1806, the President was authorized to keep in actual service, in time of peace, as many of the frigates and other armed vessels of the United States, as, in his judgment, the nature of the service might require, and to cause the residue to be laid up in ordinary in convenient ports; and the President was authorized to officer and man the public armed ves-

sels in actual service in time of peace as he might direct; but the act just referred to limited the number of captains, masters commandant, lieutenants and midshipmen; it limited, too, the number of able seamen, ordinary seamen, and boys, to nine hundred and twenty-five, and authorized the President to appoint, for the vessels in actual service, as many officers of the grades therein mentioned as might, in his opinion, be necessary and proper. That, by another act approved March 3d, 1807, the President was authorized, in addition to the then present Naval Peace Establishment, to employ a number of able seamen, ordinary seamen, and boys, not exceeding five hundred, should the exigency of the public service require it. That, by another act, approved January 31st, 1809, it was provided that, in addition to the frigates then employed in actual service, there should be fitted out, officered, and manned, four other frigates by name; and that the President might equip, man, and employ, in actual service, as many of the public armed vessels, then laid up in ordinary, and gunboats, as, in his judgment, the public service might require; and, for the purpose of carrying the provisions of the said act into effect, the President was authorized, in addition to the number of petty officers, able seamen, ordinary seamen, and boys, then authorized by law, to appoint, and cause to be employed, three hundred midshipmen, three thousand six hundred able seamen, ordinary seamen, and boys, to be engaged to serve for a period not exceeding two years, but subject to be sooner discharged. That, by another act, passed June 28th, 1809, the President was authorized, in the event of a favorable change in the foreign relations of the country, to cause to be discharged from actual service, and laid up in ordinary, such of the frigates and public armed vessels as, in his judgment, a due regard to the public security and interest would permit. That, by another act of Congress, passed March 30th, 1812, the President was authorized to cause to be immediately repaired, equipped, and put into actual service, three frigates by name; and it was provided, that the officers and seamen of the navy might be increased so far as was necessary to officer, man, and equip, the vessels so to be put into service. That, by another act of Congress, passed January 2d, 1813, it was provided, that the President should cause to be built, equipped, and employed, four ships, to rate not less than seventy-four guns, and six to rate forty-four guns each; and the number of commissioned and warrant officers, petty officers, able seamen, ordinary seamen, and boys, to be employed on board each of the said ships of seventy-four guns, was fixed by the act; the crew, so far as it consisted of seamen and boys, was limited to two hundred able seamen, and three hundred ordinary seamen and boys. That, by another act, passed March 3d, 1813, the President was authorized to have built, manned, equipped, and commissioned, for service, six sloops of war, and, also, to have built or procured, as many sloops, to be employed on the lakes, as the public service might require; and by the second section of the last-mentioned act, the President was authorized to appoint such officers, and to employ such number of seamen, as might be necessary for such vessels as were authorized by law to be put in commission, any law to the contrary notwithstanding.

The committee have thought it proper to give to the House a brief view of the progress of legislation in relation to this subject, and they believe the fore-

going sketch substantially to present it. Upon a reference to the various acts of Congress before referred to, it will be found that, both in the years 1801 and 1806, there was a Naval Peace Establishment fixed by law, limiting not only the number of seamen and boys, but of officers also. It will be found, too, as your committee believe, by reference to dates compared with the history of the country, and indeed to the language of some of the acts of Congress themselves, that the subsequent provisions, in relation to the Naval Establishment of the United States, had reference directly to what either then was or probably soon would be, the relation of the country to foreign Governments; in short, that they looked directly to a state either of actual or probable war.

Your committee understand the resolution referred to them to relate to the number of seamen and boys necessary to be employed in time of peace, and whether that shall be fixed by law. In the present state of things the only limitation upon the number of seamen is to be found in the appropriation bill, which, in effect, annually limits the number to be employed by the amount of the appropriation annually made for that object. Your committee believe, that the proper office of the appropriation bill, is, as far as practicable, to provide means for objects authorized by existing laws; there are, indeed, cases which, on account of the contingent or uncertain character of the expenditure, constitute exceptions to this rule; but, in general, the rule is considered as a sound one.

Your committee would further remark that, in investigating this subject, they have extended their inquiries beyond the mere scope of the resolution, into the propriety of fixing a Naval Peace Establishment, embracing as well the number of officers as ships to be kept in the service of the United States in time of peace; and they beg leave shortly to submit some of their reasons for thinking that there should be a Peace Establishment in the Navy as well as the Army. Although, by the Constitution of the United States, the President is Commander-in-chief of the Army and Navy, yet it belongs to Congress to "raise and support" the one, and to "provide and maintain" the other; the power to provide and maintain implies that of determining the quantum; a question the decision of which ought not to be left, in the opinion of your committee, to the Executive Department, and yet, in practice, it is in effect left to Executive decision; for, as has been before remarked, there being no permanent law in force limiting the number of officers, ships, or men, to be kept in service, the only limitation is in the amount of appropriation; and your committee believe that in practice the amount of the estimates has generally been appropriated, without discussion in Congress as to the necessity of them. Whatever confidence we may have in the Executive, it seems not to be right, in principle, to leave to its discretion, in effect, the decision of a question which belongs to the Legislature.

Your committee believe that in Great Britain, though the number of seamen is not fixed by a permanent law, yet it is settled by the annual vote of Parliament. If there were probable danger of war, or difficulty in our foreign relations, it might not be inexpedient to fix the number of seamen by a permanent law, but, in the present circumstances of the country, it seems to your committee it may be done. It will be remembered it is a Peace Establishment

which is contemplated; when war shall come, or even upon its probable approach, both the Army and Navy will doubtless be placed upon a footing suited to the then altered state of the country.

Your committee would further remark, that an additional reason with them for inclining to a Peace Establishment, is to fix the number of officers who, they believe, in many grades, are too numerous, and yet for all whom, unless their number shall be reduced by law, an appropriation must be made.

Your committee are aware that this is a difficult and delicate subject; the officers of the Navy in the recent war not only distinguished themselves, but, by breaking the charm of invincibility belonging to the British Navy, contributed much both to our glory and our solid strength as a nation. The committee are also aware that many of them have devoted some of their best years to their profession; yet, if the interest of the country requires a reduction, painful as the duty is, it is one which ought to be performed. In relation to the number of ships to be retained in service, the reasons which would prove the propriety of fixing the number of seamen, would apply with full force to them; indeed, it is another state of the same question, in substance, since, if the number of seamen be fixed, no more vessels will be employed than they can man; and the fixing a certain maximum of seamen is considered a more judicious course than to fix the number of ships, inasmuch as the President will then be left at liberty to use such classes of vessels as may, in his opinion, be best adapted to the nature of the service; the aggregate of the guns, however, being limited by the number of men allowed to man them.

Your committee have said, that they consider the officers of many of the grades as too numerous; they will now proceed to state the grounds of their opinion. They have not for a moment entertained the idea of paring down the officers of the Navy to any thing like a mere sufficiency to officer the ships to be actually retained in service in time of peace; it is obviously impossible, upon this subject, to select any given number, and show that it is precisely the right one; some reasonable rule must be adopted.

Your committee have acted upon the principle that, whilst, on the one hand, the mere number of officers necessary for the vessels in actual service is not sufficient, with a view to the future progress and prosperity of the Navy, on the other, it would be entirely out of the question to employ, in time of peace, as many as would officer our whole Navy, built and to be built, in time of war. They have, therefore, selected what they consider a medium between these extremes; it appears, by the Naval Register of 1821, that the total number of guns of our ships, which are built, equipped, and launched, (which description includes the three line-of-battle ships Ohio, North Carolina, and Delaware, which are believed not to be equipped,) amounts to seven hundred and ninety-seven, of all classes of vessels, gunboats included.

Your committee have thought that, if we retained in service in time of peace a sufficient number of commissioned and warrant officers to officer all those upon the War Establishment, it would afford a liberal Peace Establishment. Bringing the number of officers to this standard, the committee find that there are various ranks in which the present number considerably exceeds that which would be required by

JANUARY, 1821.]

Missouri—Resolution from the Senate.

[H. OF R.]

the rule just stated; they will descend to particulars in a few grades, in which the excess is relatively most considerable; thus, upon this scale, there is an excess of fifteen post captains; of twenty masters commandant; of seventy lieutenants; of twenty-seven surgeons; of more than forty sailing-masters. There are, perhaps, two or three grades in which an allowance of a few more than even this scale would produce, might be judicious; amongst them, probably, might be placed the midshipmen, who may be considered as constituting the nursery of the future commanders of our ships; this, however, would only vary the result in an inconsiderable degree. The committee forbear to go into further detail upon this subject, because, if the House should adopt the principle, the detail could be presented in a bill.

As to the seamen, if it should be decided to fix the number by law, the resolution then directs the committee to inquire into the expediency of reducing the number now in actual service. Upon this subject the committee would remark, that it will be seen, by adverting to a letter from the Navy Department, under date of the 11th December, 1820, amongst the printed documents, that the whole force of the vessels of war in the actual service of the United States, amounts to about three hundred and thirty-five guns, distributed as is mentioned in the same letter. Your committee incline to the opinion, that the following diminution of that force may be made without injury to the public service, viz: instead of corvettes and a sloop on the coast of Africa, whose object is the suppression of piracy and the slave trade, three of the schooners authorized by the act of the last session would be sufficient, making a deduction of 34 guns; instead of a 36 gun frigate in the Indian Seas, the corvette *Cyane* of 28 would be sufficient, making a deduction of eight. If to these deductions be added the force of the *Macedonian* and *Ontario*, of which the one is returning after being replaced by the *Constellation*, and the other is proceeding to take the place of the *Peacock*, amounting together to 54 guns, the whole force which would remain after these deductions from that now in service, would be 289 guns; but suppose an additional number of 36 guns to be included for any contingent service, such, for example, as the replacing of a vessel returning from a cruise, then the whole force which, according to the views before presented, would be necessary, would be 275 guns: to man this force upon a War Establishment, if the committee have not erred in calculation, would require 856 able seamen, 802 ordinary seamen, and 195 boys; to this add, according to a document of the last session, for the ships in ordinary, navy yards, and navy stations, 287 able seamen, 814 ordinary seamen, and 67 boys; and the aggregate is of able seamen 1,143, of ordinary seamen 1,116, and of boys 262; total of able seamen, ordinary seamen, and boys, 2,521. The estimate from the Navy Department for the service of the year 1821, embraces 1,322 able seamen, 1,307 ordinary seamen, and 293 boys; making an aggregate of 2,922; from which it would seem that, if the force suggested by the committee be retained in service, there might be a reduction of about 411, viz: 187 able seamen, 191 ordinary seamen, and 31 boys.

Upon the whole view of the subject, the committee beg leave to recommend to the House the following resolution:

Resolved, That a Naval Peace Establishment ought to be fixed by law.

Missouri—Resolution from the Senate.

On motion of Mr. CLAY, the House resolved itself into a Committee of the Whole on the state of the Union; and the resolution from the Senate, for admitting Missouri into the Union, with a *caveat* against the provision, if there be any, which conflicts with the Constitution of the United States, was taken up.

Mr. RANDOLPH moved to strike out the proviso (or *caveat*) from the resolution, but waived his motion for the present, to accommodate Mr. CLAY, who wished to address the committee on the whole subject.

Mr. CLAY then delivered his sentiments at large on the present state of this question. He was in favor of the resolution from the Senate, and should vote for the resolution, even though more emphatically restricted against any supposed repugnance of one of its provisions to a provision of the Constitution of the United States, the existence of which, however, he did not by any means admit.

When Mr. CLAY had concluded—

Mr. RANDOLPH renewed his motion to strike out the proviso, and spoke for about fifteen minutes in support of it.

Mr. LOWNDES deprecated the motion, as going to present to the House the naked question which it had already decided in the negative, and as preventing a decision upon the proposition as it now stands.

Mr. BARBOUR assigned the reasons why he should vote against the motion; himself regarding the proviso as useless and unnecessary, but willing to retain it to gratify gentlemen who were of a different opinion.

Mr. SERGEANT inquired whether it would be in order, this proviso being stricken out, to move to introduce a different one.

The CHAIRMAN decided that it would.

The question was then taken on striking out the proviso, and decided in the negative, 82 to 54. So the proviso was retained.

Mr. STEVENS assigned the reasons why he should vote against the resolution.

Mr. FOOT moved to amend the resolution by adding to it another proviso, that it be taken as a fundamental condition on which said State is admitted into the Union, that so much of the constitution as requires the Legislature to pass laws to prevent the migration of the free people of color thither, shall be expunged from the constitution of the State within two years from this time, in the mode prescribed for amending the constitution. [This would admit Missouri into the Union forthwith on the condition stated.]

Mr. FOOT observed, that he could not consent that the question be taken on this resolution, with a certain prospect of its rejection, without making one effort for an amicable settlement of this distracting question. I have, therefore, said he, risen for the purpose of offering an amendment to the resolution—not with the vain hope that this particular amendment will

be adopted, but with a sincere desire (if I know my own heart) to afford to gentlemen an opportunity of proposing such modifications of the amendment as will unite the votes of a majority of this committee, who appear to be desirous of admitting Missouri into the Union upon terms which will not compromise principle.

It is due from me, and the committee will expect, a candid and plain statement of my views of the effect which will be produced by its adoption. The majority of this House have already decided that the constitution of Missouri does not contain a provision which, in their opinion, is repugnant to the Constitution of the United States. It has not been proposed by any gentleman to revive the question of restriction, so much agitated at the last session; and it may be presumed no such intention exists. This amendment proposes the admission of Missouri into the Union upon a certain condition. The act for the admission of Louisiana into the Union, furnishes a precedent for the course now proposed. The condition proposes that Missouri shall expunge the offensive article from her constitution, in the manner provided by her constitution for its amendment, and give sufficient time for the amendment, without the trouble and expense of calling a convention for the purpose.

Mr. BALDWIN having expressed his intention to vote for this proposition—

Mr. CLAY moved to amend the amendment by adding words to this effect: "so far as the same (the clause of the Missouri constitution) tends to deprive citizens of each State of the privileges and immunities of citizens of the several States." This motion, however, he subsequently withdrew.

It being suggested, that other gentlemen had amendments which they wished to propose, and that it would be well to have them all presented to-day, so as to be examined and compared—

Mr. SERGEANT rose, as it might be supposed, from the question he had put, that he had an amendment to offer, to say that he had not; that he should vote for every amendment which should bring the resolution nearer to what he wished, but with a clear determination, for which he would hereafter assign his reasons, to vote against the resolution, however amended.

Soon after this, the committee rose, without coming to any decision; and the House adjourned.

TUESDAY, January 30.

Missouri—Resolution from the Senate.

The House having then again resolved itself into a Committee of the Whole on the state of the Union, the resolution from the Senate, for the admission of Missouri into the Union, was resumed—the motion of Mr. Foote being under consideration; which motion is to strike out the proviso to the Senate's resolution, and in lieu thereof to insert the following:

Provided, That it shall be taken as a fundamental condition, upon which the said State is incorporated in the Union, that so much of the 26th section of the 8d article of the constitution which has been submitted to Congress, as declares it shall be the duty of the General Assembly "to prevent free negroes and mulattoes from coming to, or settling in, this State, under any pretext whatsoever," shall be expunged, within two years from the passage of this resolution, by the General Assembly of Missouri, in the manner prescribed for amending said constitution.

Mr. BUTLER, of New Hampshire, spoke as follows:

I do not rise, Mr. Chairman, said Mr. B., to revive the discussion of the question of restriction, as it has been called, which was very elaborately argued and determined at the last session, nor for the purpose of provoking further debate upon the several questions, relative to the admission of Missouri into the Union, which have been thoroughly investigated during the present session. I am aware, sir, that the patience of the House, and I fear the patience of the people we represent is much fatigued, if not exhausted, by the numerous editions of the same arguments which have been delivered upon the subject now under consideration. But, sir, as the subject comes from the Senate in a new shape, and as I seldom trouble the House on any occasion, I shall be permitted briefly to assign the reasons which will govern my vote on this question before the committee.

Sir, the resolution under consideration, if possible, is more exceptionable than that which was reported by a committee of the House, and rejected. Those who doubted whether any provision in the constitution of Missouri contravened the Federal Constitution, might support the former resolution, but cannot, I apprehend, agree to the resolution from the Senate now before the committee; because it admits and avoids the very point or matter in controversy. Sir, if you pass this resolution, you proclaim to the world a disregard of the sacred obligations imposed by the constitution of your country. The language of the resolution implies your right to examine and judge of the constitution of Missouri, and, also, that it is, or at least may be, repugnant to the Constitution of the United States, and waives the solemn obligation of supporting that sacred instrument.

Sir, if we must receive Missouri into the Union, under her present form of government, I hope we shall not, by the admission, convict ourselves of a breach of the constitution, and fix the mark of the beast upon our foreheads. The guilt of sinning against the constitution of our country, is not concealed by the magical proviso in the resolution, nor does it obviate in any degree the objection, or remedy the evil of which you complain. By this mode of procedure, if the constitution of Missouri had been throughout repugnant to the Constitution of

JANUARY, 1821.

Missouri—Resolution from the Senate.

[H. OF R.]

the Union, or, as the gentleman from Connecticut (Mr. STEVENS) said, a perfect monarchy, you might admit Missouri into the Union, protesting against the form of her government, or so much as might be supposed anti-republican in its features. Sir, I protest against this mode of legislating, by exclusions of conclusions, as it has been called by some learned doctors in politics, whereby the rights of citizens may be sacrificed, and the Constitution of the Union suspended.

The gentleman from Kentucky (Mr. CLAY) said, admitting the clause of the constitution of Missouri, respecting free negroes and mulattoes, to be incompatible with the Constitution of the United States, it could not be an objection to her admission into the Union; because the legislators of Missouri would be bound by an oath to support the Federal Constitution, which would be paramount to the oath to support their State constitution, and of course would never make any enactment pursuant to that clause. Besides, he said, if they did enact any law in pursuance of that clause in their constitution, it would be declared void by the Courts of the United States. But, sir, though I admired the eloquence, the candor, and love of country, which that honorable gentleman exhibited in this discussion, I was not convinced by his argument.

The members of this House, as well as the legislators of Missouri, are under a sacred obligation to support the Constitution of the United States; and the act of Congress authorizing Missouri to form a constitution provides, in order to her admission into the Union, that her constitution shall be republican, and not repugnant to the Constitution of the United States. But, without this provision in the act, it is as much the duty of Congress to examine her form of government, and determine whether it is compatible with the constitution of the Federal Government, as it is to consider the same question on the passage of any law. Congress is the proper tribunal to decide this question, and cannot absolve itself from this sacred obligation by leaving it to the courts of the United States. But, if it were in our power, I would not turn this question over to the judiciary sooner than I would pass a law without inquiring whether it was within the constitutional powers of Congress, and trust wholly to the courts. Sir, would you admit a new State under a constitution giving its legislature power to regulate commerce with foreign nations, to raise armies and declare war, and trust to the judicial authority of the United States to vacate the laws which might grow out of such powers, and to keep the administration of such State government within the pale of your Federal constitution?

If the judiciary could remedy all the evils which may grow out of the constitution of Missouri, I am not disposed to neglect my duty, and disregard the rights which are guaranteed even to the black man. The rights of the col-

ored citizens, and it has been demonstrated by my friend from Massachusetts (Mr. EVANS) that there are many such in the Northern States, are as sacred as those of the white citizens.

The gentleman from Kentucky (Mr. CLAY) said, that a limitation or restriction upon the power of the Legislature of Missouri might be imposed, by adding to the resolution under consideration a provision, that no law should be enacted under the clause in question, to affect the rights of citizens of other States. But, sir, that gentleman must be aware that such a provision, though it be made a fundamental consideration of the administration, can have no force or effect against her will. No act of Congress can qualify or make void any article of her constitution after or at the time of her admission. Such a provision is no more than a naked proposition, which Missouri will be at liberty to accept or reject, and without her assent would be inoperative and futile.

Sir, though I am sincerely desirous to terminate the discussion, and settle the question at the present session, I cannot adopt such a provision, and trust to Missouri to expunge the offensive clause in her constitution.

Some conversation passed between Mr. LOWNDES and Mr. FOOT, as to the mode of proceeding.

Mr. FOOT observed he was very glad the gentleman from South Carolina had disclaimed any intention of applying his remarks to him. He appealed to that gentleman, or any member of this House, to point out a single instance in which any proposition made by him was designed or calculated, either to embarrass any subject or involve the House in difficulty, as suggested by the gentleman. He had uniformly opposed any attempt to effect an object by indirect legislation or by stratagem. He considered that the correct course in legislation was to meet every subject in an open, fair, and direct way, and he would never shrink from responsibility; and he assured the gentleman his object in proposing the amendment to the resolution, in preference to making it a distinct proposition, was, that he considered this the most regular course which could be adopted, and, in his opinion, most likely to effect the object which seemed to be wished by a great majority of the House.

With these impressions he could not consent to withdraw the proposed amendment, nor for a moment abandon the hope that on this, as a basis, the propositions of gentlemen might, by affording an opportunity for a free interchange of opinions, eventuate in the adoption of some amendment to the resolution by a large majority of this House, by which Missouri might, during the present session, be admitted into the Union; and, as the difference between the two sides of the question seemed not insurmountable, since gentlemen had distinctly disclaimed any intention to revive the question of restriction, he could not but cherish the hope that confidence

H. OF R.]

Missouri—Resolution from the Senate.

[FEBRUARY, 1821.]

and harmony would soon be restored in the national councils, and through the Union.

Mr. STORRS, after a few introductory remarks, moved an amendment to Mr. Foor's amendment, which was, to strike out all of the latter, after the word "Union," in the third line, and in lieu thereof to insert the following :

"And to be of perpetual obligation on the said State, (in faith whereof this resolution is passed by Congress,) that no law shall ever be enacted by the said State impairing or contravening the rights, privileges, or immunities, secured to citizens of other States, by the Constitution of the United States: *And provided, further,* That the Legislature, acting under the constitution already adopted in Missouri as a State, shall, as a convention, (for which purpose the consent of Congress is hereby granted,) declare their assent by a public act to the said condition before the next session of Congress, and transmit to Congress an attested copy of such act, by the first day of the said session."

Mr. FLOYD, of Virginia, said he rose for the purpose of protesting against these proceedings, and opposing his voice to the assumption of enormous powers by this House; powers so great that the oldest statesmen, a few little years ago, would have trembled to assert. You have made deep inroads into the constitution, and if you now assume the power to legislate over a new State, I know not how soon you will exercise it over others; and I, as a Representative from an old State, can never consent to such usurpations.

Mr. COBB assigned the reasons why he could vote for neither of the amendments.

Mr. ROSS stated the reasons of his opposition to the resolution from the Senate, in any shape it was likely to assume.

Mr. HARDIN, in an earnest desire to see the question settled, was willing to agree to both the amendments.

Mr. RHEA, after making some remarks, moved the committee should rise, with a view to demanding the previous question, which would preclude all debate and amendment, and present to the House a naked and direct question on the resolution from the Senate.

Mr. CLAY earnestly opposed this course, as going to close the door on the spirit of accommodation.

The motion for the committee to rise was negatived by a large majority.

Mr. CLAY, then, after an earnest appeal to all parts of the House to bring to the future discussion of this subject minds prepared to harmonize, and forever settle this distracting question to mutual satisfaction, and expressing his desire more fully to examine Mr. STORRS's proposition, to see whether he could bring his mind to assent to it, as he wished to do, moved that the committee now rise, in order to have the several propositions for amendment printed.

This motion was agreed to.

Mr. CLAY then gave notice he should again call up the subject to-morrow.

Mr. LOWMEYER wished it deferred until Friday next, to give more time.

Mr. CLAY said he would compromise with his friend for Thursday. He did not like the idea of taking up this question on Friday.

Mr. COBB said that he proposed, at a future day, to offer the following amendment, which he now read, to follow the word "Union:—"

"That the Legislature of the State of Missouri shall pass no law impairing the privileges and immunities secured to the citizens of each State, under the first clause of the second section of the fourth article of the Constitution of the United States."

This amendment was ordered to be printed, as well as the others.

THURSDAY, February 1.

Missouri—Resolution from the Senate.

On motion of Mr. CLAY, the House then again resolved itself into a Committee of the Whole, on the resolution from the Senate, declaring the admission of the State of Missouri into the Union, and the amendments proposed thereto.

The whole day was spent in animated debate, and interesting proceedings.

The amendment moved by Mr. Foor, was to strike out the proviso of the resolution from the Senate, and, in lieu thereof, to insert the following:

"*Provided,* That it shall be taken as a fundamental condition, upon which the said State is incorporated into the Union, that so much of the twenty-sixth section of the third article of the constitution which has been submitted to Congress, as declares it shall be the duty of the General Assembly 'to prevent free negroes and mulattoes from coming to, and settling in, this State, under any pretext whatsoever,' shall be expunged within two years from the passage of this resolution, by the General Assembly of Missouri, in the manner prescribed for amending said constitution."

Mr. STORRS had moved to amend the amendment, by striking out the whole of it, after the word "Union," in the third line, and inserting the following:

"And to be of perpetual obligation on the said State, (in faith whereof this resolution is passed by Congress,) that no law shall ever be enacted by the said State, impairing or contravening the rights, privileges, or immunities, secured to citizens of other States by the Constitution of the United States: *And provided, further,* That the Legislature acting under the constitution already adopted in Missouri as a State, shall, as a convention, (for which purpose the consent of Congress is hereby granted,) declare their assent, by a public act, to the said condition before the next session of Congress, and transmit to Congress an attested copy of such act by the first day of the said session."

After much debate, the motion of Mr. STORRS was negatived—80 votes to 61.

Mr. HACKLEY then moved to strike out all Mr. Foor's amendment, after the word "Union," and insert, in lieu thereof, the following:

"And to be of perpetual obligation on the said State, (in faith whereof this resolution is passed by

FEBRUARY, 1891.]

Report on Gold Coin.

H. OF R.

Congress,) that no law shall ever be enacted by the said State, to prevent such free negroes or mulattoes from entering into, and settling in, said State, as may be citizens of any of the States of the Union: *And provided, further,* That the Legislature, acting under the constitution already adopted in Missouri as a State, shall, as a convention, (for which purpose the consent of Congress is hereby granted,) declare their assent, by a public act, to the said condition, before the next session of Congress, and transmit to Congress an attested copy of such act by the first day of the said session."

After debate, the motion of Mr. HACKLEY was negatived—70 to 66.

Mr. COBB then moved the amendment previously suggested by him, viz: to strike out so much of Mr. FOOT's amendment as follows the word "Union," and insert, in lieu thereof, the following:

"That the Legislature of the State of Missouri shall pass no law impairing the privileges and immunities secured to the citizens of each State, under the first clause of the second section of the fourth article of the Constitution of the United States."

After debate, this motion was negatived—74 votes to 65.

The question was then taken on Mr. FOOT's motion to amend as above, and decided in the negative by a large majority.

Mr. McLANE then moved his amendment, as stated; and then, after having previously several times refused to rise, a motion to that effect prevailed, and the House adjourned.

FRIDAY, February 2.

Report on Gold Coin.

Mr. WHITMAN, from the select committee, appointed to inquire into the expediency of altering the relative value of the gold hereafter to be coined at the Mint of the United States, made a report thereon, accompanied by a bill. The report is as follows:

The committee who were directed to inquire into the expediency of increasing the relative value of gold hereafter to be coined at the Mint, have attended to that subject, and beg leave respectfully to report, that they are of opinion the value of American gold, compared with silver, ought to be somewhat higher than by law at present established. On inquiry, they find, that gold coins, both foreign and of the United States, have, in a great measure, disappeared; and, from the best calculation that can be made, there is reason to apprehend they will be wholly banished from circulation, and it ought not to be a matter of surprise, under our present regulations, that this should be the case.

There remains no longer any doubt that the gold coins of the United States are, by our laws, rated at a value lower than in almost any other country, in comparison with that of silver. This occasions the gold to be constantly selected, when it can be obtained, in preference to silver, whenever required for remittance from this to foreign countries; and, at the same time, prevents those who have occasion to remit to the United States from doing it in gold. Hence there is a continual and steady drain of that metal from this

country, without any correspondent return, which must continue while there remains any of it among us. The importations of it will be confined to small quantities, and from countries from which nothing better can be obtained.

There have been coined at the Mint of the United States nearly six millions of dollars in gold. It is doubtful whether any considerable portion of it can, at this time, be found within the United States. It is ascertained, in one of our principal commercial cities, quite in the vicinity of the Mint, that the gold coin in an office of discount and deposit of the Bank of the United States there located, in November, 1819, amounted to \$165,000, and the silver coin to \$118,000. That, since that time, the silver coin has increased to \$700,000, while the gold coin has diminished to the sum of \$1,200, one hundred only of which is American. And it is stated that the vaults of the State banks in the same city, having a capital in the aggregate, as is believed, of nearly eight millions, exhibit a similar result. It is scarcely to be doubted, that, on examination in the other commercial cities, similar additional proof would be furnished.

It now becomes a question of serious import, to be decided by the nation, whether a gold currency be at all desirable, or whether it should wholly give place to silver? By some a silver currency is deemed the most eligible. They contend that our circulating metallic currency should be ponderous, and inconvenient of transmission; that it would, in such case, remain in the country, and stationary.

On the other hand, it is believed, by your committee, that a more portable currency may be, on many accounts, and in many instances must be, much more convenient, and in some cases absolutely necessary. It cannot be denied, that the lighter and smaller the currency, in proportion to its value, the greater will be the accommodation in the negotiations between the great extremes of the Union. In proportion to this facility, the price of exchange will be lessened; commercial transactions would thus be carried on at an enhanced profit to all concerned. Moreover, in time of war, it will never fail to become requisite to make use of specie in payments and remittances; and these will be demanded, almost exclusively, at the extreme borders and frontiers of the Union. In such case gold furnishes a medium which will not only be light and convenient, but which can be transmitted with secrecy, thereby avoiding the risks incident to war and commotion. Those who carry their recollections back to the incidents of the late war, cannot fail of being forcibly impressed with this idea.

Our empire is widely extended, and becoming more so; and, at the same time, sparsely settled. The transmission of large sums, especially in time of war, if in ponderous silver, must be extremely inconvenient, and oftentimes attended with great danger. It would seem, therefore, that as currency, the gold coin has, in this country, manifest advantages over that of silver.

But there is another particular not unworthy of consideration. We have before stated that the gold coins are worth, in foreign countries, more, in comparison with silver, than in our own. The average of this increased value is believed to exceed six-tenths of a dollar in every fifteen dollars. In Spain and Portugal, three half eagles are worth sixteen dollars; in Cuba, seventeen; in the West Indies, generally, sixteen; in England, fifteen and one-fifth; in Holland, fifteen; and in France, fifteen and a half. These

calculations may not be precisely as stated, but are believed to be nearly accurate.

In the United States, before the establishment of the present Government, it has heretofore been ascertained by a committee of Congress, that, by custom, the value of gold has been considered as equivalent to about fifteen and six-tenths of its weight in silver. This, without doubt, arose from finding this to be the average of the different values affixed to the gold in different foreign countries.

Why it was thought proper, on establishing the Mint of the United States, to reduce this value to fifteen for one, it is not now material to inquire. It is sufficient to know, from unhappy experience, that its tendency is to rid us of a gold currency, and leave us nothing but silver.

Your committee, therefore, in conformity to the foregoing sentiments, ask leave to report a bill.

The bill was twice read and committed.

Missouri—Resolution from the Senate.

The House again resolved itself into a Committee of the Whole, on the Senate's resolution for the admission of Missouri.

The following amendment proposed on yesterday by Mr. McLANE, of Delaware, being under consideration, viz: to strike out the proviso to the resolution, as follows:

Provided, That nothing herein contained shall be so construed as to give the assent of Congress to any provision in the constitution of Missouri, (if any such there be,) which contravenes that clause of the Constitution of the United States, which declares that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.

And in lieu thereof, insert the following:

Provided, That nothing in the constitution of the said State of Missouri shall be construed to authorize or make it obligatory on the Legislature to pass any law denying to the citizens of each State any of the privileges and immunities of citizens of the several States: *And provided, further*, That no law of the said State shall be construed to deny to the citizens of each State any of the privileges and immunities of citizens of the several States.

A long debate took place, not so much on this particular amendment as on the whole subject of the evils of slavery, the rights of the South, the balance of power, the nature of the obligations and benefits of the Union, &c.

Mr. CAMPBELL rose and said, he was not ignorant of the anxiety of gentlemen on all sides of the House, to have the question now under discussion determined. Notwithstanding he felt this anxiety in common with others, he hoped a disposition to cultivate patience a little longer would be indulged, particularly when a member not in the habit of obtruding, wished to be heard.

Mr. C. said, the gentleman from Delaware, (Mr. McLANE,) who presented the amendment now under consideration, had evinced so much candor, and so often repeated his invitations to those disagreeing with him on the main question, to meet him in the spirit of amity on his proposition to amend, that he would offer his

reasons why he could not. What, Mr. C. asked, is the object of the amendment? If he understood its import, it is intended, at least indirectly, to alter the constitution of Missouri. If not to expunge the exceptionable clause, certainly to give it, or any act passed in conformity thereto, such an interpretation as the convention never intended. Whence does Congress derive this immensity of power? Or on what occasion has the employment of it been indicated? This doctrine is very different from that for which the gentleman at the last session so ably contended. At that time it was alleged we had no right to intermeddle with the constitution of a State about to apply for admission into the Union. If Congress be competent to interfere in any way, with one clause of the constitution of Missouri, an interference with another, and indeed with every other, would be equally admissible. Mr. C. said he considered the amendment a perfect cipher, and so would it, if adopted, be deemed by the people of Missouri. To any such modification their consent would be indispensable. And how was this to be obtained? Mr. C. said he knew of no way but through another convention, and he defied gentlemen to point out any other legitimate mode. Mr. C. said Missouri is unrepresented here; and if she were, who could believe her representation vested with power to enter into any compact binding on her, relative to her constitution?

Mr. C. said it had been remarked by many of the friends of Missouri, and by none with greater energy than by a distinguished member from Kentucky, (Mr. CLAY,) that if the constitution of Missouri be incompatible with the Federal Constitution, it is so far void, and the legitimate tribunal for the decision of the question is the judiciary. This is a position, he said, to the correctness of which he could not in conscience subscribe. It was so repugnant to his views that he must reject it as most dangerous in practice. By an act of the last session we authorized the people of Missouri to form a constitution, which, among other conditions, was required to be in conformity to the Constitution of the United States. A constitution has been framed and submitted to us for inspection—inspection for what purpose? Certainly that we might decide upon its provisions, which if not repugnant to the rule prescribed, she would be entitled in good faith to admission—if repugnant, she must suffer rejection, with however much pain accompanied. To come to a decision in this manner, Mr. C. said, he conceived it to be the duty of Congress; a duty, from the performance of which, he could assure gentlemen he felt no disposition to shrink, by remitting it to the Judiciary. Is not the question fairly before us, and how can we evade a direct and unequivocal answer, regardless of consequences? Should Missouri be admitted, and that part of her constitution to which objection is made be brought to bear upon the rights of an individual, he believed the court ought to and would inter-

FEBRUARY, 1821.]

Missouri—Resolution from the Senate.

[H. OF R.]

fere. This he had always understood was peculiarly the province of the judicial department, where the constitutionality of an act was called in question. It was a power which he hoped would always be prudently exercised.

Mr. C. said he was willing, if it were thought necessary, to vote for another act or resolution to enable the people of Missouri to call a convention to form a new constitution, or to alter the present one in such a way as to obviate objections. Or if she chose to do this without the assistance of Congress, he for one would not be disposed to take advantage of the circumstance.

Mr. C. said, as he now had the opportunity, he would declare, he had yesterday listened to the gentleman from Pennsylvania (Mr. SERGEANT) with impatience. That gentleman had assigned sundry reasons why the subject should be postponed until the commencement of the next Congress, when it could be settled more to the satisfaction of the nation. He thought the question was fully understood, as well as the bearings it would probably have upon our national character; and he, for one, was prepared to decide the naked proposition of admission or rejection. The gentleman has alluded to a strife for power, and if he understood him, he meant a power which was to be acquired by a new party. Such considerations, Mr. C. said, should have no influence on him in pronouncing judgment on a constitutional question. What, he would ask, could the new party, which it is supposed is now springing up, profit him, or the State which he assists to represent? Should it increase and attain full stature, could the North-west expect favors which are now denied?

Mr. CUSHMAN, of Maine, spoke as follows:

Mr. Chairman: Not being habituated to parliamentary debate, and possessing a set of nerves easily disconcerted, I but seldom lift my voice for or against any thing. But, on this occasion, I have strong inducements to depart from my usual silence. Besides the right which I have, in common with others, of expressing my opinions, I now have reasons peculiar to myself. A man suspected of high crimes and misdemeanors—the high crime of a patriotic ambition—the misdemeanor of endeavoring to preserve the Union entire, by preserving the balance of its parts, may surely claim the right to be heard in his own defence.

It is true, Mr. Chairman, that I am opposed to slavery in every form. And I contend against its extension on what I conceive to be the purest principles of humanity. It appears to me to be fraught with the most deleterious evils. It cannot but have an effect, in some instances, injurious to the finer feelings of the heart. I know, Mr. Chairman, that there are high-minded gentlemen, who not only seem to deny to the African the capability of becoming a citizen in this country, but also are inclined to refuse him a place on the roll of human beings. I shall attempt no learned analysis to prove that a negro is a man. I shall not contend that he is possessed of an organized human body, to

which there is superadded a rational soul. The definition of man, by an ancient philosopher, is sufficient for my purpose—*Animal bipes implume*. If this definition be correct, it will follow that a negro is a man. He is certainly an animal with two legs; and though he may have something resembling wool, he is also without feathers—which corresponds to the definition given. And, if a man, he is "endowed with certain inalienable rights:" for, in the first article of the political creed of our country, it is declared to be a "self-evident truth, that all men are created equal." But, however this may be, it will be agreed that an African is endowed with a degree of sensibility—that he is susceptible of pleasure and pain—that many of the race are capable of strong sensations of gratitude and love. If so, these feelings, by their condition even in this country, must be injured to a degree at which humanity cannot but recoil. Who, unmoved, could behold the anguish of conjugal attachment, the yearnings of parental affection, the pathetic cries and tears of filial tenderness, which cannot but be felt and expressed, when husband and wife, parent and child, brother and sister, are forcibly separated from each other, and transferred, like beasts of burden, or as insensible property, from owner to owner! Sir, could I even reflect with indifference on such scenes of agony and human woe, I should be ashamed to claim kindred with the human race; and even blush to call God my heavenly Father. Slavery, sir, in our country, admits of no apology but stern imperious necessity. There is no color of excuse by extending to increase the evil.

But, though I contend against the spread of slavery, on humane principles, yet I never insinuated that these were my only motives. I have also strong reasons of policy. It is not, in my opinion, wise or safe to spread over a new country a population which, instead of adding, must impair its physical strength. A slave is neither a soldier, nor a seaman, nor an artisan, except of the lowest kind. Many of them are but menial servants, who do not reproduce the food which they consume. The earth, in general, is not so well cultivated by slaves, nor made to exhibit those scenes of fertility and beauty which are to be seen where the owners are the cultivators of the soil. Nor can a section of country, where the population consists but in part of slaves, furnish such numbers, for common defence, as can be spared in a free State, where every able-bodied man is a soldier. It is known that in all our wars, some of the slaves are too much inclined to go over to the enemy. This, to be sure, is wrong—but it is in a degree natural. For, according to Mr. Jefferson, if a slave has any country, it is not that in which he is holden in bondage. Allured by the hope held out by an insidious foe, they are ready to engage in some work of mischief or blood. Hence, in times of danger or invasions, a country so circumstanced, instead of furnishing its fair proportion of soldiers to op-

pose a public enemy, might retain somewhat of its physical strength at home for purposes of safety—to suppress domestic insurrection—to protect their wives and children, their altars and their firesides. It would be peculiarly impolitic to place our frontiers—those inlets of an invading foe—in such jeopardy.

The territories of the United States, the common property of the nation, are to become constituent parts of our Republic. Every portion of the Union, therefore, must feel a deep interest, that the population of the States, which are to be formed out of these territories, especially if the West is destined to be the seat of the empire, should consist, not of slaves, who might endanger the public safety, but of citizens—enlightened, virtuous, enterprising citizens—able to contribute to the ornament and defence of our common country.

It is, sir, in the nature of man, especially of irresponsible bodies of men, and all triumphant majorities are irresponsible when fortified by power, to be forgetful of right. Those but seldom obtain justice, who are not in a situation to cause its claims to be respected. The soundest maxims of policy require that no section of our country should gain such an enormous ascendancy as to give the law to the rest. It would, in time, crush the other under its feet. To guard against such an abuse, there should be preserved a balance of power—yes, sir, a balance of power. At the repetition of the phrase gentlemen seem to take the alarm. As if struck with a panic, they almost lose the balance of their minds, to say nothing of the harmony of their good feelings. The balance of power! exclaim gentlemen, in astonishment—as if they saw in it an ill omen, portentous of direful events—some dreadful calamity impending over our Republic. What do you mean, say they, by the balance of power? I mean, sir, in the nation, something like that equilibrium preserved in the natural world by the operation of the centripetal and the centrifugal forces of nature—the action of the one, and the reaction of the other. As on this equilibrium depends the order and harmony of the natural system, so on a balance of power resembling this depends the safety of our confederated Republic. But if gentlemen are displeased with this illustration, I will attempt another—I mean, sir, something in our Federal system, resembling the barriers which prevent the ocean from overflowing the land—fixed by the Almighty, when he said to its turbulent waters, “Hitherto thou hast come, but thou shalt proceed no further—and here shall thy proud waves be stayed.” This balance of power has been highly useful in other countries. When it has been entirely broken down, the consequence has been fatal to nations, as it has lately been seen in the convulsions of Europe. But fortunate, sir, for the world, by the magnanimous policy of the Emperor Alexander, this balance was restored, and nations, as the result, are beating their swords into plough-

shares, and spears into pruning-hooks, and seem to be inclined to learn war no more! I believe, sir, that a balance of power would not be without some salutary effect in this nation. It might restrain the intemperance of inordinate ambition in individuals, and check the proud assumptions of aspiring States. But, sir, to return from this seeming digression into which I have been led by the observations which have been made in the course of the debate, I have further to say, that the Northern and Eastern portions of this Union, for the purpose of preserving it entire, at the adoption of the Federal Constitution, submitted to an evil for which they could provide no speedy remedy. Our country was then bounded by the Mississippi, and little was to be apprehended, as the condition of the States was at that period, from an overgrown power, derived from a slave population. But could it have been foreseen that a territory west of that river, larger than the old thirteen United States, would have been added to our country, out of which new States, almost to infinity, were to be formed, with the privilege of holding slaves, I am persuaded that neither Massachusetts, nor any part of New England, and perhaps none of the now free States then extant, would have consented, on such terms, to have come into this Union.

Mr. TYLER said that he had, during the present session, maintained a profound silence on the interesting topic which had so long engaged the attention of the House and nation; that nothing but the exposé which had been made to the House by the gentleman from Pennsylvania, (Mr. SERGEANT,) could have induced him now to present himself to the notice of the House upon a subject so hackneyed. The remarks made by that gentleman were of a character so novel and alarming, that it would not become him to pass them by unnoticed. The gentleman (Mr. SERGEANT) had talked about the balance of power. What is it that the gentleman means by this language? Had he well weighed it before he gave it utterance? To his mind the gentleman had conjured up a fearful fiend. He had told us that no danger was to be apprehended from keeping alive this question. He had cried “peace, peace,” when he had presented himself as fighting under the banners of a fiend from which Mr. T. turned with fear and dismay. Look on the page of history, and tell me (said Mr. T.) what has been the most fruitful cause of war, of rapine, and of death? Has it been any other than this struggle for the balance of power? Desolation has, in all ages, marked its existence, and hecatombs of slaughtered victims have been raised to appease its fury. Sir, said he, it is a monster that feasts on the bodies of mangled carcases, and swills on human blood. And has it come to this, that we are now to enter into this struggle for power? And against whom do gentlemen propose to carry on this war? Against brethren—members of the same common family. It might be natural to wish to elevate ourselves

FEBRUARY, 1821.]

Missouri—Resolution from the Senate.

[H. OF R.]

to a superiority of power in reference to foreign nations; but it is unnatural, to say the least of it, for one section of a common country, to entertain a wish of the sort in reference to the rest. Equality is all that can be asked for, and that equality is secured to each State of this Union by the constitution of the land. But what is the character of the power sought now to be obtained by the gentleman and his associates? Do they want to secure to the non-slaveholding States a preponderance in the National Legislature? We have been told correctly by the gentleman from New York, (Mr. STORRS,) that they already have the preponderance of twenty odd votes. This, then, it is obvious, cannot be the power, for the acquisition of which they are ready to undertake this crusade against the South and West. I, said Mr. T., follow but the inference which the member from New York (Mr. STORRS) has drawn, when I express the hypothesis, that it must be a power of a different character which gentlemen are in pursuit of. It may be their purpose to elevate to high stations some particular favorites.

But what can a majority of this House hope to gain by this unhallowed struggle? It is a game at which only a few can win, and all that will remain to the majority of the actors in this drama will be the slave-like privilege of worshipping at the feet of an idol. And has it come to this, that, instead of looking to the advancement of our country's happiness, we shall now use our efforts to advance the political views of an individual? I should be willing to sacrifice myself on the altar of my country, for the common good. I idolize the institutions of this highly favored land; but I never will consent to become the idolater of any man on earth. I know but of one rule to govern me in selecting men for office, and it is found in the wisdom, intelligence, and virtue of the candidate. Whether he be born in Massachusetts or Virginia, is a consideration unworthy of being taken into the estimate. If, then, there be a man in this House or nation, governed by motives of a different character, in the name of virtue and patriotism, I demand that he shall abjure them.

The gentleman, (Mr. SERGEANT,) as another reason for postponing this question to the next session of Congress, urged the propriety of submitting it to the people, and intimated that they might be dissatisfied with a decision now. No man, said Mr. T., holds in higher reverence the wishes of the people than I do. The wishes of my constituents on any subject other than a constitutional question, would be my law. But they have elected us to act for them, and on this subject they leave us uninstructed. While it would but answer the end of our agency here to bow to their will, when properly expressed, it would be worse than degrading for us to hesitate about acting, lest we might incur their displeasure. In such a case as this, what would be the weight of their displeasure? Our coun-

try is agitated from one end of it to the other; a state of things exists calculated to fill the mind of the patriot with awful forebodings of the future; a breach has been made in the affections of this people for each other, which every day serves but to enlarge. Is there a man who hears me, who would not be willing, like another Curtius, to devote himself to destruction to heal this breach? Would you prefer the ephemeral popularity of the hour to the renown which lasts for ages? Our lineage would give the lie to such a slander. No, sir; let us not delay to settle this question, and forever. The gentleman tells us the majority alone will make a sacrifice by voting for any proposition of compromise. What is the fact? The South contends that Missouri should be instantly admitted into the Union; the North cannot agree to this, because it describes something in the constitution repugnant to the Constitution of the United States. The answer to this objection has been repeated over and over again. If such, in truth, be the fact, let her come into the Union, and the Constitution of the United States will vindicate its own supremacy. Your objection, however, still remains unshaken, and you propose that she shall be admitted, upon the condition that her Legislature shall pass no law violatory of the Constitution of the Union. We meet you on this half-way ground, and close in with your proposition. Now, sir, where is the sacrifice of principle on either side? You guard the constitution from infraction, and we have no hesitancy in uniting with you in this good work. If, then, gentlemen are sincere in the objection which they raise, that objection may readily be removed, and I will still entertain the hope that this session will not terminate without the final adjustment of this odious subject.

The question being taken on agreeing to the proposed amendment, the Chairman pronounced the division to be in the affirmative—yeas 75, nays 78.

The committee then rose, and reported the amendment to the House; and the question being put on agreeing to the amendment reported by the Committee of the Whole, the vote was—yeas 79, nays 88.

The resolution from the Senate being then again read, in the words following, to wit:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the State of Missouri shall be, and is hereby declared, one of the United States of America, and is admitted into the Union on an equal footing with the original States, in all respects whatever: Provided, That nothing herein contained shall be so construed as to give the assent of Congress to any provision in the constitution of Missouri (if any such there be) which contravenes that clause of the Constitution of the United States which declares that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.

Mr. STORRS moved to amend the same as fol-

lows, viz: Strike out from the word "declared" the balance of the resolution, and insert, in lieu thereof, the following:

"To be admitted into the Union as one of the United States, on an equal footing with the original States, on the first day of the next session of Congress: *Provided*, That it shall be taken as a fundamental condition upon which the said State shall be incorporated into the Union, and to be of perpetual obligation on the said State, (in faith whereof this resolution is passed by Congress,) that no law shall ever be enacted by the said State, which shall impair or contravene the rights, privileges, or immunities, secured by the Constitution of the United States to any persons who now are, or hereafter may be, citizens of other States, or to prevent such persons from removing to, and settling in, said State: *And, provided further*, That the Legislature, acting under the constitution already adopted in Missouri as a State, shall, as a convention, (for which purpose the consent of Congress is hereby granted,) declare their assent by a public act to the said condition, before the next session of Congress, and transmit to Congress an attested copy of such act by the first day of the next session of Congress."

Mr. CLAY moved to amend the motion by striking out the words "on the first day of the next session," where they first occur; and the motion was agreed to—78 votes to 71.

Mr. FLOYD moved to amend the amendment so as to make it read "citizens of the United States," instead of "citizens of other States." This motion was negatived by 79 votes to 70.

Mr. ROBERTSON moved to amend the proposed amendment by striking out of it the words "or to prevent such persons from moving to and settling in said State." This motion was negatived by 79 votes to 70.

Mr. BARBOUR then moved to amend the said amendment by striking out the following words, viz: "That no law shall ever be enacted by the said State which shall impair or contravene the rights, privileges, and immunities, secured by the Constitution of the United States to any persons who now are, or hereafter may be, citizens of other States," and, in lieu thereof, inserting "that no law which may be passed by the said State shall be so construed as to impair or contravene the rights, privileges, or immunities, secured to citizens of the other States by the Constitution of the United States."

On the question being taken so to amend the amendment, it was determined in the negative.

Mr. CUTHBERT having called for a division of the question on Mr. STORRS's amendment, so as to take it first on agreeing to the following words:

"To be admitted into the Union as one of the United States, on an equal footing with the original States, on the first day of the next session of Congress: *Provided*, That it shall be taken as a fundamental condition upon which the said State shall be incorporated into the Union, and to be of perpetual obligation on the said State, (in faith whereof this resolution is passed by Congress,) that no law shall ever be enacted by the said State which shall impair

or contravene the rights, privileges, or immunities, secured by the Constitution of the United States to any persons who now are, or hereafter may be, citizens of other States"—

The question was so taken accordingly, and decided by yeas and nays—yeas 75, nays 92.

So the first part of the amendment was rejected, and the remainder fell to the ground of course.

Mr. S. MOORE then moved to amend the resolution of the Senate by striking out the proviso thereto annexed, and inserting in lieu thereof the following:

Provided, That the following conditions be taken as fundamental conditions and terms upon which the said State is incorporated into the Union, namely: that the fourth clause of the twenty-sixth section of the third article of the constitution submitted by the people of Missouri to the consideration of Congress, shall, as soon as the provisions of said constitution will admit, be expunged, or so amended that it shall not be applicable to citizens of any State in this Union; and that, until expunged or so amended, no law passed in conformity thereto shall be construed to extend to any citizen of either State in this Union.

The motion was negatived—ayes 56.

Mr. Clay's motion for a Committee of Thirteen.

Mr. CLAY, then, seeing that all effort at amendment had failed, and anxious to make a last effort to settle this distracting question, moved to refer the Senate's resolution to a committee of thirteen members.

This motion was agreed to, and the following gentlemen were appointed a committee accordingly:

Messrs. Clay, of Ky.,	Messrs. Archer, of Va.,
Eustis, of Mass.,	Hackley, of N. Y.,
Smith, of Md.,	S. Moore, of Pa.,
Sergeant, of Pa.,	Cobb, of Ga.,
Lowndes, of S. C.,	Tomlinson, of Ct.
Ford, of N. Y.,	Butler, of N. H.,
and Campbell, of Ohio.	

SATURDAY, February 3.

Mr. McLANE submitted the following resolution, which of course lies on the table:

Resolved, That the Secretary of the Treasury be directed to communicate to this House a statement of the bounties and allowances paid to fishing vessels each year, from the commencement of the Government to the present time.

Appropriation Bill—Missouri in it.

On opening the first item of this bill, the Missouri question was discovered lurking in it!

Mr. SMITH, of Maryland, having moved to fill the first blank in the bill with \$314,866, to defray the expense and compensation to the Senate and House of Representatives, their officers, and attendants—

Mr. COBB moved to fill the blank with a smaller sum, presuming that the sum moved by Mr. SMITH was founded on estimates including the Delegate from Missouri. As there was no

FEBRUARY, 1821.]

South American States.

[H. OF R.]

each Delegate recognized on the floor of the House, the appropriation ought to be diminished accordingly.

A good deal of desultory debate followed on this proposition, the leading features only of which are sketched below.

Mr. BUTLER, of Louisiana, inquired of the chairman of the Committee of Ways and Means, whether the sum which he had proposed was intended to cover the pay for the Senators from Missouri.

Mr. SMITH said, the sum was proposed in conformity with the estimate of the Secretary of the Treasury, and was not predicated on any additional expenditure, as the State of Missouri had not been admitted. But at any rate the sum would be sufficient, because there was always, from the absence, the sickness at home, or the death of members, a considerable surplus left.

Mr. McLEAN said, the gentleman from Missouri did not present himself as the Delegate, but as the Representative from that State. Mr. McL. went on to remark, that this question about Missouri met them at every step, and in every shape; and it really would be better to postpone this bill, and, indeed, all other important bills, until that embarrassing question could be settled. With that view he moved that the committee now rise, and report progress.

Mr. TYLER coincided in opinion with Mr. McLEAN, and hoped the motion would prevail, especially as the public interest could not suffer from a little delay in passing the bill.

Mr. BALDWIN hoped the committee would not rise. The clause in question did not go into items at all, and it could not, therefore, well give rise to the question concerning Missouri, which had been started by the gentleman from Georgia.

The motion for the committee to rise was negatived—ayes 81.

Mr. TREMBLE spoke, to show that Mr. COBB would gain nothing, if he should even carry his motion to reduce the appropriation. The appropriation was made as though Missouri was a State; if she were not admitted into the Union as such, she must be abandoned altogether, or must be legislated for as a territory, and that question would with more propriety come up in another part of the bill, making provision for the Territories. He thought it not necessary, therefore, to impede the bill by pressing this motion.

Mr. COBB observed, in substance, that the sum proposed by the chairman of the Committee of Ways and Means was either too large or too small. If intended to provide for Missouri as a State it was too small, as it did not provide for the Senators; and if otherwise, it was too large. He did not wish to bring up at all the question concerning the present character or condition of Missouri, but he did not think it right to appropriate for a Delegate unless for the Senators also.

Mr. LOWNDES remarked, that whether they

took the larger or the smaller sum was immaterial, as either would be sufficient for the object in any event; there being always a balance of the appropriation left from this branch of the expenditure. The adoption, therefore, of either sum proposed, could involve no question relative to Missouri.

Mr. McOULLOUGH did not conceive that the appropriation involved the Missouri question at all. They made appropriations for the Senate and House of Representatives generally, without undertaking to say who were Senators and members. Such as were so would come forward and receive their pay, and no others. This appropriation was intended for the current year; if Missouri should be admitted, her members in both Houses would be paid of course; if not, the money would remain in the Treasury.

Mr. TREMBLE said, the gentleman had told the committee how the members were to be paid if that State should be admitted; but suppose Missouri should not be admitted, Mr. T. asked, how her Senators and members were to draw their pay then?

Mr. McOULLOUGH was understood to say, in reply, that if the State were not admitted, her Senators could not be paid under this appropriation; and that it would require a special vote of Congress to authorize them to draw pay.

Mr. LIVERMORE, by way of obviating all difficulty, moved an amendment, containing a separate appropriation of the necessary sum for the Senators and member from Missouri.

This motion was agreed to—yeas 50, nays 44.

MONDAY, February 5.

South American States.

The House then again resolved itself into a Committee of the Whole, and resumed the consideration of the General Appropriation Bill.

Mr. CLAY moved the amendment, which he a few days ago intimated it to be his intention to propose to the bill, and was as follows:

“For an outfit and one year’s salary to such Minister as the President, by and with the advice and consent of the Senate, may send to any Government of South America, which has established and is maintaining its independency on Spain, a sum not exceeding \$18,000.”

Mr. CLAY followed his motion with a speech of more than an hour’s length in its support.

Mr. LOWNDES submitted briefly the reasons why he conceived the adoption of the proposition at this time inexpedient, and the mode of obtaining the object improper.

Mr. ROBERTSON, of Kentucky, spoke at large against the motion.

When Mr. R. had taken his seat—

Mr. FLOYD, of Virginia, advocated, decidedly and earnestly, an immediate and unqualified recognition of South American independence.

Mr. STEVENS, of Connecticut, followed on the

same side, and spoke at some length in support of the amendment.

Mr. TRIMBLE, of Kentucky, also advocated, at some length, the adoption of the proposition.

Mr. CULPEPER, of North Carolina, stated succinctly why he should vote for the amendment.

Mr. CLAY again occupied the floor some time in reply to Mr. LOWNDER, and in a zealous support of the proposition.

Mr. RHEA, of Tennessee, briefly offered the reasons which influenced him to oppose the proposition.

The question was then taken on adopting the proposed amendment, and decided in the negative. For the amendment 78; against it 77.

The committee then rose and reported the bill and the amendments made thereto, to the House.

WEDNESDAY, February 7.

A new member, to wit, from North Carolina, WILLIAM S. BLACKLEDGE, elected to supply the vacancy occasioned by the death of Jesse Slocumb, appeared, produced his credentials, was qualified, and took his seat.

SATURDAY, February 10.

Missouri—Mr. Butler's Proposition.

Mr. BUTLER, of New Hampshire, submitted the following joint resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of Missouri be, and they are hereby, authorized to form a new constitution, or to alter the constitution which they have already formed and presented to Congress, in such way and manner as they may judge most proper, and submit the same to Congress, for the purpose of being admitted into the Union on an equal footing with the original States.

Mr. TOMLINSON said, the proposition of the gentleman from New Hampshire was certainly entitled to the deliberate consideration of the House, and, for the purpose of affording gentlemen an opportunity to examine the proposition, Mr. T. moved that it be laid upon the table and printed.

The motion was agreed to.

Report from the Committee of Thirteen.

Mr. CLAY, from the Select Committee, to whom the subject was referred, delivered in the following report and amendment:

The select committee to whom was referred the resolution from the Senate declaring the admission of the State of Missouri into the Union, have, according to order, had the same under consideration, and beg leave to submit to the House the following report:

That they have entered upon the discharge of the duty assigned them by the House, with the most anxious desire to arrive at a conclusion which would

give general satisfaction; that, in the prosecution of this purpose, it seemed to them to be useful to ascertain, in the first place, by a full and frank comparison of opinions among themselves, whether any, and what, conditions ought to be prescribed to the admission of Missouri into the Union; that, on making this comparison, the opinion appeared to be nearly unanimous in the committee, that no other conditions ought now to be required than those which were specified in the act of the last session of Congress, providing for the admission of Missouri into the Union; and that, considering all the circumstances attending that act, the settlement which it made of the question of restriction ought not to be disturbed; that this opinion limited their subsequent inquiry to the consideration of the single question, whether the constitution which Missouri has formed for herself, contained any thing in it which furnished a valid objection to her incorporation in the Union? And, on that question, they thought that there was no other provision in that constitution to which Congress could of right take exception, but that which makes it the duty of the Legislature of Missouri to pass laws to prevent free negroes and mulattoes from going to and settling in the said State. In regard to that clause, the same diversity of opinion existed among the members of the committee which had been previously manifested in the House—one portion believing it liable to an interpretation repugnant to the Constitution of the United States, and the other thinking it not exposed to that objection, or that, if it were, the exceptionable interpretation was superseded by the paramount authority of the Federal Constitution.

With these conflicting opinions, the committee thought it best that, without either side abandoning its opinion, an endeavor should be made to frame an amendment to the Senate's resolution, which, compromising neither, should contain an adequate security against the violation of the privileges and immunities of citizens of other States in Missouri; and, a majority of the committee thinking that such security could not be sufficiently afforded without some previous act to be done by the Legislature of Missouri, the amendment was finally agreed upon, which they now beg leave to report.

According to this amendment, Missouri is to be admitted into the Union upon the fundamental condition, that she shall never pass any laws preventing any description of persons from going to and settling in the said State, who now are, or hereafter may become, citizens of any of the States in this Union; and, upon the Legislature of the said State signifying its assent to that condition, by a solemn public act, which is to be communicated to the President of the United States, he is to proclaim the fact, and thereupon the admission of the said State into the Union is to be complete, without any further or other proceeding on the part of Congress. To prevent, however, this amendment from being considered as impairing any right which may appertain to Missouri, in common with other States, to exclude from her jurisdiction persons under peculiar circumstances, (such as paupers, vagabonds, &c.), a further proviso is added, declaring that nothing in the said amendment is to be construed to take from Missouri, when admitted into the Union, the exercise of any right or power which the original States may constitutionally exert.

The modification which the committee thus re-

FEBRUARY, 1821.]

South American Provinces.

[H. OF R.]

spectfully recommend of the Senate's resolution, is the result of a spirit of concord, under the guidance of which they have anxiously sought, without the sacrifice of principle on either side, to reconcile the variant opinions among them. There cannot be a doubt but that Missouri, solicitous as she must be, to participate in all the high advantages of our excellent Union, will eagerly seize the opportunity of testifying her attachment to the Federal Constitution, by giving the solemn pledge which she is asked to make, to respect the privileges and immunities which it secures to citizens of other States—a pledge become necessary, in the opinion of a large and respectable portion of the House, by the terms which she has employed in a clause of her constitution. Nor will there be a doubt of the sincerity or efficacy of such a pledge. On the other hand, if, by postponing, for a short period, her admission into the Union—a circumstance every day less and less important, in consequence of the lapse of the time allotted to this session, those who thought her invested with a perfect right to be admitted, without delay, are not fully gratified, they will be consoled by the reflection that the amendment requires only the performance of a precise and simple act, which cannot be mistaken by the highly responsible officer to whom the judgment of its execution is confided; and the whole House must be gratified with any proper disposition of the subject, which will henceforth free the public deliberations from the agitation and disturbance to which it is but too likely always to give rise. And your committee believe that all must ardently unite in wishing an amicable termination of a question which, if it be longer kept open, cannot fail to produce, and possibly to perpetuate, prejudices and animosities among a people to whom the conservation of their moral ties should be even dearer, if possible, than that of their political bond. Sharing, as the committee do, largely in this sentiment, they respectfully submit to the House the amendment which they propose, in the hope that it will be received and considered in the same spirit in which it has been devised.

Strike out all after the word "be" in the third line of the Senate's resolution, and insert

"Admitted into this Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition, that the said State shall never pass any law preventing any description of persons from coming to and settling in the said State, who now are or hereafter may become citizens of any of the States of this Union: *And provided, also,* That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday of November next, an authentic copy of the said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete: *And provided, further,* That nothing herein contained shall be construed to take from the said State of Missouri, when admitted into this Union, the exercise of any right or power which can now be constitutionally exercised by any of the original States."

The resolution, with the report, was, on motion of Mr. CLAY, ordered to lie on the ta-

ble; and Mr. CLAY gave notice that he should call for its consideration on Monday.

South American Provinces.

Mr. CLAY rose, and submitted for consideration the following resolution:

Resolved, That the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish provinces of South America which are struggling to establish their liberty and independence; and that it will give its constitutional support to the President of the United States, whenever he may deem it expedient to recognize the sovereignty and independence of any of the said provinces.

In offering this resolution, Mr. C. said he was influenced by the general solicitude which he felt on this subject, and by the conviction that there was a majority of the House in favor of an expression of a sentiment favorable to the cause of the people of the Spanish provinces. The vote of yesterday, to the contrary, was influenced, in a great degree, it was evident, by considerations of form. He had framed this resolution so as, he hoped, to be unexceptionable in that respect; and, though it did not go as far as he wished to go, it went to a certain extent in giving the countenance of this House to the exertions of the people of the South. Mr. C. said, as the subject was well understood, and he wished not to consume the time of the House, he should not debate the proposition, unless he should be obliged to do so by debate against it.

Mr. REXID moved that the resolution lie on the table, for consideration, as well because of the general importance of any proposition on this subject, and the propriety of acting on it with deliberation, as because the gentleman who was at the head of the Committee of Foreign Affairs (Mr. LOWMEDES) was this day absent.

Mr. CLAY stated that he had informed his friend at the head of the Committee of Foreign Affairs, who was absent from a temporary indisposition, that he intended to submit such a proposition as this to-day; and received for answer that he did not care about being present at the discussion, and did not wish to be sent for.

Mr. SMITH, of Maryland, made a few remarks, to show that the House ought to act with caution and deliberation on a proposition of this sort, which, for aught they knew, might compromise the peace of the country.

The question on the motion to lay the resolution on the table, resulted thus: For it laying on the table 71; against it 72.

So the motion was lost; and the question was stated on agreeing to the resolution.

Here arose a debate, which occupied the whole day.

Mr. WOOD first spoke in opposition to the motion; because it proposed to make needless professions, and was not therefore consistent with self-respect; because, if it had any object, it was an encroachment on the power of the Execu-

tive, and might produce a collision between the two departments of Government, which was much to be deprecated.

Mr. FLOYD referred to an early message of President Washington to Congress, to show that, at that time, the previous consent of Congress was thought necessary to the institution of foreign missions; thence, and from other considerations, arguing that this resolution, so far from interfering with the Executive prerogative, was a fair exercise of the undoubted rights of this House. Mr. F. also supported the proposition on the ground of expediency, and as going to counteract the policy of the Holy Alliance, by organizing a different policy on this side of the water, &c.

Mr. ARCHER required a division of the question, so as to take it first on the first member of the resolution. And the question was accordingly stated on agreeing thereto in the following words:

Resolved, That the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish provinces of South America which are struggling to establish their liberty and independence.

Mr. ROBERTSON deprecated the passage of the whole resolution as supererogatory, if not of injurious tendency. If it was intended only to apprise the Executive that this House would support him, that had been done by the vote of last session; if it was to express the sentiment of this House in regard to the subject, that too had been done by the vote of last session; and a repetition of such declarations could serve only to show a doubt of our own constancy. If, however, it was intended to goad the Executive into a departure from its hitherto wise policy on this subject, he was decidedly opposed to it, &c. Mr. R. concluded by saying, that as the proposition was divided, he should, though he deemed such a declaration wholly superfluous and unnecessary, vote in favor of the first clause of the resolution, and against the second.

Mr. WOOD then moved that the whole subject be indefinitely postponed.

Mr. MONTGOMERY assigned the reasons why he should vote for the indefinite postponement, and, should that not prevail, against both branches of the resolution. He was opposed to the first part of it, as asserting what he did not know to be the fact, and what he did not believe to be the fact as regarded his immediate constituents—that the people take a deep interest in a matter wholly foreign to them. The second part of the resolution he wholly disapproved. He believed it to be the true policy of this country to stand aloof from this conflict, as the powers of Europe, more deeply interested, had done. Were we to engage in it, it was difficult to predict how it would end, &c. Mr. M. suggested, however, that the motion had an object something deeper than an expression of the opinion of this House, and that it might be intended to goad the President into a course of

policy which his judgment did not approve, and which the nation did not wish for.

Mr. TYLER assigned the grounds on which, though he had voted against all the other propositions of the gentleman from Kentucky, he should vote for this. The first part of it, he said, asked him only to speak the sentiments of his constituents; and, knowing well their feelings on this subject, he could not hesitate to vote in the affirmative upon it. The second part of the resolution only proposed to declare, that the President of the United States enjoys so much the confidence of this House, that, whenever he should think proper to recognize the independence of any of the Southern provinces, it will support him in it. To this, Mr. T. had no objection. In voting for the whole proposition, he should only express the sentiment of his heart, a deep sympathy for a people struggling for liberty, &c.

Mr. WALKER expressed his sentiments decidedly in favor of the whole resolution. The subject, he said, was near his heart; and he would not hesitate to throw our weight into the scale of liberty. He enumerated several considerations which influenced him to this course, among which were the general duty of individuals and of societies to sympathize with and do good to one another; the similarity of the struggle of these provinces with Spain to that of our Revolution; the similarity, too, of their forms of government, &c. He was not afraid of trusting the President, and had no fear of committing him, by passing this resolution.

Mr. MERGER assigned the reasons why he was in favor of this resolution, and against the postponement. He disclaimed any want of confidence in the Executive; nor did the resolution go upon any such ground, but on the contrary, its very terms excluded such a conclusion. He considered it as differing widely in principle from the proposition to make an appropriation for sending a Minister or Ministers to South America. Adverting to the supposed power of the President to recognize the independence of a Government by receiving a Minister as well as by sending one, in which recognition the Senate would have no voice, it became this House, he said, to share a part of the responsibility which the Executive would incur by such a recognition. He doubted, himself, whether the President could recognize the independence of a foreign power, by receiving a Minister, without the consent of this House. By this resolution, without prescribing any thing to the President, that difficulty would be removed. With regard to his constituents, Mr. M. expressed in strong terms his conviction of the deep feeling which they entertain favorable to the South Americans. Though approving of the course of the President in regard to the colonies hitherto, more than he did of his course to the mother country, (alluding to the occupation of Florida during the Seminole war,) he should yet cheerfully vote for the whole resolution.

Mr. CRAIGT stated the reasons why, though

FEBRUARY, 1821.]

South American Provinces.

[H. OF R.]

approving of the sentiments in the resolution, he could not vote for it. He considered the question to be the same in substance as that to which he yesterday gave a negative vote. So far as the provinces were engaged against the Spanish Government, they had his best wishes and sincere sympathy; but, he suggested, that, according to the best accounts we have, their struggle is more amongst themselves, and, so far, was one in which we could feel no sympathy. He expressed his surprise at the comparisons which had been so often made between the case of these provinces and that of our Revolution, between which the resemblance was at least remote. Believing that the power of recognition was confided to another branch of the Government, both competent and disposed to exercise it when proper, and for other reasons which he assigned, he was opposed to the resolution.

Mr. CORB assigned the considerations which induced him to doubt the propriety of passing this resolution, though entertaining a feeling of deep sympathy with the Southern provinces. He had, he said, almost a similar feeling in regard to the people of Old Spain, now regenerated and comparatively free. The relative situation of Spain and her colonies, he argued, was now essentially different from what it was two or three years ago. They were then struggling against a relentless tyranny; but there was now at least a probability (referring to the pacification between Morillo and Bolivar, and to other indications) that Old Spain would voluntarily do justice to the colonies. Mr. C. thought, therefore, it was not true policy at this time for this country to do any act on this subject, however inclined. For this consideration, and because he believed the Executive felt on this subject in the same manner as this House and the nation, and as he had indeed expressly said in his message, he saw no occasion for passing this resolution. It would be time enough to act, he argued, when the course of Old Spain was clearly marked out. If, however, the direct vote on the resolution was forced upon the House, he should vote for the first part, but against the second, believing that sound policy was opposed to it.

Mr. BALDWIN opposed the resolution, not from any hostility to its avowed object, but because it proposed to refer to the President an act which, in his opinion, it was not for him, but for the three branches of the Government collectively, to perform. If any thing was done on this subject, he wished it to be done by all the branches of the Government.

Mr. MACLAY opposed the resolution, although, were he to suffer his feelings to govern him, he should be in favor of it. The subject, he said, had been long before the Executive, and much deliberated upon. Before such a resolution as this was passed, Mr. M. argued, that gentlemen ought to be possessed of full information on the subject—of all the information which the Executive possesses, and by which its course has

been influenced, that they might judge whether that Department had or had not performed its duty. Believing that it had done so, and would hereafter do so, he was against the resolution.

Mr. STEVENS defended the constitutional right of this House to express its opinion on any topic of public interest. So far from interfering with the Executive authority, he regarded such expressions of opinion as facilitating the exercise of that authority, this being a Government of opinion, and as it must be desirable to the Executive to know what public opinion is, &c. With regard to this measure being a goad to the Executive, Mr. S. suggested that there was no reason to apprehend that the Executive of this day was to be alarmed or driven from his course by any such measure. He was in favor of the resolve as an expression of the opinion of this House, on a point on which he had no hesitation in expressing his individual opinion.

Mr. BROWN said, that he did not rise to enter into a lengthy argument, nor would he have risen at all had there not appeared a difference of opinion between two of his colleagues, (Mr. CLAY and Mr. MONTGOMERY,) upon a point in which the character of his immediate constituents and the State at large, seemed to him much concerned. He meant no less than a diversity of opinion as to the sensibility of Kentucky to the cause of liberty, in which the patriots of South America were engaged, and to the protracted suffering of that oppressed people. His colleague, the honorable mover of this resolution, (Mr. CLAY,) believed that the people of Kentucky took a deep interest in the struggle of the patriots of South America. His colleague (Mr. MONTGOMERY) did not know that his constituents felt such an interest. Mr. B. said, that he was free to declare it as his belief that the people of Kentucky did feel a lively and strong interest for the success of the Patriot cause; and that he was led to this conclusion, whether he judged from the expressions of those with whom it had been his pleasure to mingle, the rumor of the country at large, from the entertainments given in honor of his colleague, (Mr. CLAY,) at which sincere thanks had been expressed for his disinterested ardor and fervid eloquence, in support of the cause of the Patriots; or whether he judged from the almost universal expression of the wish of the people for the success of the Patriots, at each successive anniversary of our independence, when, in the social and festive circle, the feelings of the heart have been most free and undisguised. He said, finally, to trouble the House no further upon this point, that, whatever might be the feelings of the constituents of his honorable colleague, (Mr. MONTGOMERY,) he would unhesitatingly pledge himself to the House, that the people of that portion of the State which he had the honor to represent, did take a warm and deep interest in the cause of South American liberty.

Mr. SMITH, of Maryland, stated several objections to the resolution, among which were the following: That it attributed to the President a power (that of recognition) too important to be exercised by any authority less than the three branches of the Government; that it proposed to make this House, incompatibly with the constitution, the adviser of the President, thus taking from him a part at least of his constitutional responsibility; that it would afford a bad precedent, which, in future times, may be used, through the influence of the President, in this House; that it proposes that this House should compromise its successors in office, which it could not do, and which it was therefore improper to attempt, &c.

Mr. COOK opposed this resolution, though he had yesterday voted in favor of Mr. CLAY's proposition, because it proposed an empty declaration, after refusing an efficient act. So far from believing that such a resolution as this would aid the cause of the South American Patriots, he believed it would inspire them with contempt for the course of this House. It was saying, in connection with yesterday's vote, we wish you well, very well, but not as much well as eighteen thousand dollars.

Mr. CLAY then delivered a speech of half an hour's length in support of his motion. He opposed to one another the objections to the resolution, to show that they would not stand together, and therefore denied their claim to respect taken separately. He quoted the precedent of the resolution of Congress to support the President in any consequences which might follow the dismissal of the British Minister, Mr. Jackson, some years ago, and alluded to other precedents of expressions of opinion by this House. He ridiculed and reasoned against the argument that this resolution would hurt the feelings of the Executive, or encroach on his authority. It was, on the contrary, he contended, assuming only a fair responsibility on the part of this House, and adding strength to the Executive. He referred to the vote of last session, and the counter vote of yesterday, which appeared to him imperiously to require the passage of this resolution. He protested against the argument of the gentleman from Georgia, drawn from the situation of Old Spain, as absolutely founded on the idea that the colonies ought to repass under the yoke of Spain. The argument which denied the power of one Congress to bind its successors, would, he contended, equally apply to the most important acts of legislation, such as declarations of war, &c. As to the sentiments of the people on this subject, Mr. C. said that was a matter of fact which each gentleman must determine for himself, and vote accordingly. For his own part, he had no doubt what were the sentiments of his constituents on this subject; and, repeating a sentiment thrown out by Mr. MERCEER, he said, if they did not entertain such sentiments, so help him God he would not represent them. If the matter of fact was certain, he could see no reason against avowing

it. With respect to the mode of recognition of foreign powers, Mr. C. reviewed the various opinions which had been expressed at different times, as well as to-day, on this subject. He concluded that both Congress and the Executive had this power, but that the most regular, ordinary, and usual course was by the Executive; and it was, therefore, proper to assure him of the support of this House, &c. There was a peculiar propriety, Mr. C. contended, in this House moving in this business, being the immediate representatives of the people, and the cause of South America being that of the people, as being the cause of human liberty, &c. Mr. C. concluded by saying, if this proposition did not satisfy gentlemen, it was impossible for him to conceive in what shape a proposition on this subject could be placed, so as that they could vote for it.

Mr. KINSEY made a glowing appeal to the feelings of the House in favor of liberty, and to its sympathies for those contending for it. The sentiment of the country, he argued, could not be doubted, and it ought to be expressed. If war should come, said he, in consequence of the expression of our opinion, let it come. He trusted no man would shrink from the expression of his honest opinion from any such apprehension as that. In reply to the question *cui bono*—what good was to come of this? Mr. K. drew a vivid picture of the scenes of our Revolution, and of the vivifying effect of the news of the recognition of our independence by France. Was it no good, he asked, that we should be instrumental in elevating so large a portion of the human race to the same rank as we enjoy, and to a participation of the blessings of freedom and liberty? Mr. K. said he had confidence that this question would carry. It *must* carry; and it would meet with the decided approbation of the people of this country.

Mr. SERGEANT delivered his objections to the resolution, though believing that, if the question were taken on the first part of it only, there would be but little or no objection to it. His objections were, in general terms, that it expresses an individual opinion, and professes to give a pledge which must be utterly inefficacious; that it is not a legislative act, and is not to lead to a legislative act; that it contains a declaration by which neither this House, the President, nor the Senate, would be bound; that it would involve the House in difficulties on constitutional ground; that, if Congress wish a recognition, having the power equally with the Executive, they should effectuate their wish by a legislative act; that, if the opinion of this House was to be expressed, even that should not be done without due inquiry and examination of facts, none of which had been placed before the House in any thing like an official shape; that the House ought to take care not to lose sight, in acts of kindness and expressions of good will to other powers, of the duty which it owed to this nation—to the interests of the people whom they represent; that general and

FEBRUARY, 1821.]

South American Provinces.

[H. OF R.]

vague oral information was not a sufficient ground for Congress to act upon; that, if official information was before the House requiring it to act, its act should be something plainer than this, and presenting on its face a direct proposition; that its not doing so, caused it to be more lightly considered and voted upon than it ought to be; that, however independent of the Executive, as an individual, this House might be, yet, with respect to the Executive as a branch of this Government, it was important that this House should not disturb the harmony of the different departments of Government, as adjusted by the constitution itself, and that it should not rush from its sphere, and jostle the others in their course.

Mr. BATES assigned his reasons for voting for the resolution. His reason was, that the Executive would look at both votes of this House, that of yesterday, and that of to-day. The vote of yesterday approved his conduct in not sending a Minister; this resolution did the same, assuring him of the continued and consistent support of this House—and on that ground alone he should vote for it.

Mr. REID assigned the reasons why he should vote against the second part of the resolution, should it not be postponed, because, to pass it would be without object, because, in principle and spirit, it was a repetition of the vote of last session, and, therefore, unnecessary, the vote of last year not being rendered nugatory by the vote of yesterday, but perfectly reconcilable with it; that the resolution, if it proposes to bind not only this House, but its successors, makes a pledge which it may be impossible to redeem; that it pledges, moreover, a support to an unknown act—to an act which may or may not be unwise or pernicious to the public interest; that such a pledge was an acknowledgment of Executive infallibility which it did not become the House to sanction. With regard to the first part of the resolution, Mr. R. said, he should vote for it, if presented to him, believing it to correspond fully with the feelings and wishes of his constituents.

Mr. ROBERTSON concluded the debate by some remarks in favor of the indefinite postponement of the resolution, on the ground that, to act on the subject, would be a useless consumption of time, and, having already once expressed the same sentiment, (at the last session,) would be an undignified proceeding. With respect to the bearing of this resolution, in one way or another, in regard to the Executive, Mr. R. remarked that it somehow or other had happened that, during the four years he had been in Congress, he had never yet voted with the Executive on any administration question, unless the Army question was considered one. In this course he had not been influenced by any disposition to embarrass the Executive, but his personal opinion of what was right. But, he added, whilst he would never vote for any proposition to gratify the Executive, he would never give his vote for any proposition calcu-

lated to embarrass and perplex him in the discharge of his proper functions.

The question on indefinite postponement was then taken and decided in the negative.

Mr. Foor, in order to get rid of a subject on which he considered the time of the House to be unprofitably occupied, moved to lay the resolution on the table.—Negatived by a considerable majority.

Mr. WOOD moved to amend the resolution by adding thereto a proviso to the following effect: "Provided, That this resolution shall not be construed to interfere with the independent exercise of the treaty-making power."

This motion was negatived.

The question on agreeing to the first clause of the resolution was then taken by yeas and nays, and decided in the affirmative—yeas 184, nays 12, as follows:

YEAS.—Messrs. Abbot, Adams, Alexander, Allen of New York, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baker, Baldwin, Ball, Barbour, Bateman, Bayly, Beecher, Blackledge, Boden, Brevard, Brown, Brush, Bryan, Burton, Butler of New Hampshire, Butler of Louisiana, Campbell, Cannon, Case, Claggett, Clark, Clay, Cobb, Cocke, Cook, Crawford, Culbreth, Culpeper, Cushman, Cuthbert, Dane, Darlington, Davidson, Dennison, Dewitt, Dickinson, Earle, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Eustis, Fisher, Floyd, Ford, Fuller, Gray, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hall of North Carolina, Hardin, Hemphill, Hendricks, Herrick, Hibshman, Hill, Hobart, Hooks, Hottel, Johnson, Jones of Virginia, Jones of Tennessee, Kendall, Kinsey, Kinsley, Lincoln, Maclay, McCoy, McCreary, McLean of Kentucky, Mallary, Marchand, Meech, Meigs, Mercer, Metcalf, Monell, R. Moore, S. Moore, T. L. Moore, Morton, Murray, Neale, Newton, Parker of Mass., Patterson, Philson, Pitcher, Plumer, Rankin, Reed, Rhea, Rich, Richmond, Robertson, Rogers, Ross, Shaw, Simkins, Sloan, Smith of New Jersey, Smith of Maryland, Smith of North Carolina, Southard, Stevens, Storrs, Swearingen, Tarr, Tomlinson, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Udree, Upham, Van Rensselaer, Walker, Wallace, Warfield, Wendover, Williams of Virginia, Williams of North Carolina, and Wood.

NAYS.—Messrs. Allen of Massachusetts, Buffum, Crafts, Edwards of North Carolina, Fay, Folger, Foot, Livermore, Montgomery, Nelson of Virginia, Richards, and Strong of Vermont.

So this clause was agreed to.

Mr. MACLAY then moved to amend the second member of the said resolution by prefixing thereto the following: "That it approves of the course heretofore pursued by the President of the United States with regard to the said provinces." And, the question being taken thereon, it was determined in the negative without debate.

The question was then taken to agree to the second member of the said resolution, to wit: from the word *and*, after the word *independence*, to the end thereof, and passed in the affirmative—yeas 87, nays 68, as follows:

YEAS.—Messrs. Abbot, Allen of New York, Allen of Tennessee, Anderson, Archer of Virginia, Baker, Ball, Bateman, Bayly, Beecher, Blackledge, Boden, Brown, Bruah, Bryan, Butler of New Hampshire, Butler of Louisiana, Campbell, Cannon, Case, Clark, Clay, Cocke, Culbreth, Culpeper, Cuthbert, Darlington, Davidson, Dewitt, Earle, Fisher, Floyd, Ford, Gross of New York, Gross of Pennsylvania, Hackley, Hall of New York, Hendricks, Herrick, Hibshman, Hooks, Hostetter, Johnson, Jones of Tennessee, Kinsey, Kinsley, Lincoln, McCreary, McLean of Kentucky, Mallary, Marchand, Meech, Mercer, Metcalf, Monell, R. Moore, S. Moore, T. L. Moore, Murray, Neale, Parker of Massachusetts, Patterson, Philson, Pitcher, Richmond, Rogers, Ross, Shaw, Sloan, Southard, Stevens, Storrs, Swearingen, Tarr, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Udree, Upham, Van Rensselaer, Walker, Wallace, Warfield, Williams of Virginia, and Williams of North Carolina.

NAYS.—Messrs. Adams, Alexander, Allen of Massachusetts, Archer of Maryland, Baldwin, Barbour, Brevard, Buffum, Burton, Clagett, Cobb, Cook, Crafts, Cushman, Dane, Dennison, Dickinson, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Eustis, Fay, Folger, Foot, Forrest, Fuller, Gorham, Gray, Guyon, Hall of North Carolina, Hardin, Hemphill, Hill, Hobart, Jones of Virginia, Kendall, Kent, Lathrop, Livermore, Maclay, McCoy, Meigs, Montgomery, Morton, Nelson of Massachusetts, Nelson of Virginia, Newton, Plumer, Rankin, Reed, Rhea, Rich, Richards, Robertson, Ross, Sergeant, Silsbee, Simkins, Smith of New Jersey, Smith of Maryland, Smith of North Carolina, Street, Strong of Vermont, Strong of New York, Tomlinson, Wendover, and Wood.

So that clause was agreed to.

The question was then taken on agreeing to the proposition, as a whole, and carried in the affirmative; and a committee of two members was ordered to be appointed to lay the same before the President.

MONDAY, February 12.

Missouri—Report of the Committee of Thirteen.

The House then, on motion of Mr. CLAY, proceeded to consider the report of the committee appointed on the Missouri subject. On motion of Mr. C. it was referred to the Committee of the Whole on the state of the Union. And, also on motion of Mr. C., the House forthwith resolved itself into a Committee of the Whole, to take the subject up.

The amendment proposed by the committee having been read from the Chair—

Mr. CLAY gave a detailed account of the proceedings in the committee, of the difficulty which interposed, and of the considerations which led to the recommendation of this amendment. This statement of course corresponded with that contained in the report of the committee. Mr. C. then went on to obviate some objections to the report which had been made by the friends of Missouri, as well as by those opposed to her admission into the Union. Al-

though those in favor of her admission into the Union could not succeed entirely in their particular views, Mr. C. was of opinion that they had, as regarded the report of the committee, nothing to complain of. At the same time, the report was calculated to obviate the objections of those who had opposed the admission of Missouri on the ground of the objection to her constitution, which had been avowed. Thus consulting the opinions of both sides of the House, in that spirit of compromise which is occasionally necessary to the existence of all societies, he hoped it would receive the countenance of the House. Mr. C. concluded by earnestly invoking the spirit of harmony and kindred feeling to preside over the deliberations of the House on the subject.

Mr. MALLARY moved to amend the amendment proposed by the committee, by striking out all of it, after the word "respects," and, in lieu thereof, inserting the following:

"Whenever the people of said State, by a convention appointed according to the manner provided by the act to authorize the people of Missouri to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories, approved March 6, 1820, adopt a constitution conformably to the provisions of said act, and shall in addition to said provisions, further provide, in and by said constitution, that neither slavery nor involuntary servitude shall ever be allowed in said State of Missouri, unless inflicted as a punishment for crimes committed against the laws of said State, whereof the party accused shall be duly convicted. Provided, that the civil condition of those persons who now are held to service in Missouri shall not be affected by the last provision.

This motion was negatived by a considerable majority.

Mr. TOMLINSON addressed the Chair, as follows:

Mr. Chairman: Having had the honor to be one of the committee which reported the resolution now under consideration, and dissenting to that report, I am aware that it is a duty incumbent on me briefly to state the grounds of such dissent.

By the act, passed at the last session of Congress, the inhabitants of the Territory of Missouri, included within boundaries therein designated, were authorized to form for themselves a constitution and State government, for the purpose of being admitted into the Union. This act provided that such constitution, whenever formed, should not be "repugnant to the Constitution of the United States." The inhabitants of the Territory of Missouri, under the authority of the act to which I have referred, have formed a constitution, and have presented the same to Congress. For what purpose? That Congress may perform a mere ministerial act, and admit that people into this Union as a matter of course? No, sir; Congress have a higher duty to perform. It is the duty of Congress to determine whether that constitution be repub-

FEBRUARY, 1821.]

Missouri—Report of the Committee of Thirteen.

[H. OF R.]

lican and not repugnant to the Constitution of the United States.

On examining this constitution it is found to contain, under the title of "the legislative power," a provision that it shall be the duty of "the General Assembly, as soon as may be, to pass such laws as may be necessary to prevent free negroes and mulattoes from coming to, and settling in, this State, under any pretext whatsoever." This provision is deemed incompatible with, and directly repugnant to, the Constitution of the United States, which provides that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." Sir, I have not been an inattentive observer of what has passed on this subject, so deeply affecting the feelings of Congress and the nation, and I do not recollect that, either in this House or in the Senate, (if it be not out of order to refer to the proceedings of that honorable body,) any other objection has been urged, during the present session, against the admission of Missouri into this Union. This House, after an elaborate discussion, has solemnly determined that this objection is well founded, and has rejected the resolution for the admission of Missouri into this Union, reported by the committee to which her constitution was referred. This expression of the opinion of this House, repeated in a variety of forms, renders it unnecessary, and, I may add, improper, for me again to agitate this question. A majority of this House have determined that the constitution of Missouri does deprive citizens of some of the States of the privileges and immunities of citizens in that State. I shall, therefore, take it for granted, (which, indeed, the appointment and report of the committee, now under consideration, evidently do,) that the constitution of Missouri is repugnant to that of the United States, and subversive of the fundamental principles of this Confederacy. In my judgment, the Constitution of the United States does not contain a provision more important than that which is infringed by the constitution of Missouri. Admit the principle, sir, that a State may restrain the citizens in the several States from coming to, and residing within it, and this Confederacy is at an end. Believing, therefore, that the General Assembly of Missouri are required, as soon as may be, to pass laws, which will deprive persons who are citizens of the several States, of all privileges and immunities of citizens in the proposed State of Missouri, I have been compelled to refuse her admission into this Union. She has no right to such an admission. Missouri has not complied with the provisions of your act. She disregards the distinguishing feature of our constitution. On taking my seat in this House, I solemnly engaged to support the Constitution of the United States. Entertaining the opinion which I have avowed, can I admit Missouri into this Confederacy, with a constitution containing a provision directly repugnant to that which I have sworn to support?

To admit Missouri with such a provision, I must approve it; I must give it to it my sanction. Sir, the Constitution of the United States is the charter of our liberties, and must be preserved inviolate. I stand upon its verge, and no encroachment shall be made upon it with my consent. When a new member presents herself to be admitted into this Union, let her bow to the constitution; let her submit to its paramount authority. If she be not prepared to do this, she is unworthy of this high privilege; she does not deserve the destiny she seeks.

Sir, I feel as great anxiety to see this "distracting question" settled as the honorable gentleman from Kentucky, (Mr. OLAY,) but it must be settled upon constitutional principles. There is danger that any other mode of settling this question, instead of allaying, will increase the excitement which it has occasioned throughout this nation. Sir, there are two parties to this great controversy, and any settlement which should prostrate the rights of either ought to be reprobated. Great as is my anxiety to see this matter put to rest, to effect it I will neither renounce my principles nor surrender the privileges of any portion of the citizens of this empire. If a settlement of this grave question take place, the good, and, I may add, the peace of this nation, demands that it be satisfactory to all its parts. A "compromise," sir, which shall bring Missouri into this Union, may, indeed, put an end to this dispute here; but, let me tell gentlemen, that if, in a settlement of this momentous question, the feelings of a large portion of this community shall be disregarded, the peace of the nation may not be restored.

To insure such a desirable and happy result, it must be settled upon a fair, and just, and constitutional basis. To such a settlement, and to no other, will I assent.

After a long debate, protracted to a late hour, the question was taken in Committee of the Whole on the amendment to the Senate's resolution, as proposed on Saturday by the select committee of this House, and was decided in the negative—78 to 64.

The committee rose and reported their decision to the House; and, the question being on concurring in that decision—

Mr. STORRS moved to postpone the whole subject indefinitely.

Mr. BROWN, of Kentucky, rose, and said that he must ask pardon of the House for having risen at so late an hour, and after so much anxiety had been evinced to take the vote; that he had not designed to address the House at this advanced period of the debate, although, having prepared himself upon the merits, he would have been glad to have found an opportunity, without contending for the floor with those better qualified to do it justice, before the subject had been literally exhausted; and that he would not now incidentally have said a word, but that the gentleman from Pennsylvania, near to him, who had just resumed his seat, (Mr. SERGEANT,) had, with a dexterity better adapt-

ed to the bar of a court than to the Hall of the House of Representatives, ingeniously, though unjustly, endeavored to cast from himself and the majority on the Missouri question, the odium of an argument, derived from its influence upon the balance of power in the United States.

Mr. B. said that his resentment at the offered injury would not admit of his remaining passive while the majority voted down the rights of Missouri, and then attempted to relieve themselves from responsibility, by endeavoring calmly and cunningly to throw the censure of so unworthy an argument used by them upon an injured minority, who, he had reason to fear, had so deeply suffered by the influence of the argument itself. Mr. B. said that, upon arriving at the seat of Government, and finding this question assuming an importance, and producing effects so little expected by him, he was led to expect that all was not right; that there was something artificial about it; and had, therefore, at an early period, set himself at work to investigate it to the bottom, and to develop, if possible, the real as well as ostensible considerations which had swollen it to such an alarming magnitude; and he begged it should be recollected that motives were not the less operative or dangerous for not being avowed. Mr. B. said that he had carefully reviewed the proceedings of the fifteenth Congress, in which this bitter subject was opened, as well as the speeches delivered by the advocates of the restriction, marking well the feelings and prejudices displayed, the suggestions made, and the principles avowed. He had pursued them with great attention and anxiety, and he believed, without arrogating too much to himself, that he could give the gentleman from Pennsylvania, (Mr. SERGEANT,) who had just resumed his seat, the House, and the nation, a correct history of this argument, or suggestion, amounting to the same thing, of the influence of the Missouri question on the balance of power in the United States. The origin, progress, and effect of the contest for the balance of power in Europe would be recollected; he would only say that its course had been marked with blood!

In reading two speeches delivered by an eminent and venerable member, (Mr. KING,) then and now of the Senate, from New York, every word of which had been well weighed, he found some remarks truly ominous. Mr. B. said he wished it understood that he should not pretend to detail every thing which that gentleman had said upon the same subject, to whose speeches he might take the liberty of referring; that it was not necessary to the fair attainment of the purpose which he had with candor assured the House he had in view; but all might rest satisfied that he labored under no mistake in the quotations which he should make; for, having been seriously impressed by them, he had made memoranda, considering them justly alarming, and looking askance from the motives which should influence Congress. The venerable gentleman, than whom none knew better, (having

been a member of the convention which formed the constitution,) says that, but for this clause, the Union would never have been formed; this gentleman said, in reference to the computation of slaves, in fixing the ratio of representation, "that the effect of this concession had been obvious, in the preponderance which it had given to the slaveholding States over the other States; nevertheless, it was an ancient settlement; and faith and honor stood pledged not to disturb it. But the extension of this disproportionate power to the new States would be unjust and odious." Here is the argument from the preponderance—the disproportionate power—almost in terms from the balance of power—surely so in substance, and which he confirms from experience; and the odium which he was pleased to say should follow the extension of it to the new States, and among them to Missouri, proves how strongly, not to say violently, this venerable gentleman felt on the subject of restriction. Another gentleman, (Mr. TALLMADGE,) from the same State, who had, in the fifteenth Congress, supported the restriction with ability and warmth, was betrayed into a similar view. In speaking of Missouri, he said, "that portion of country has no claim to such an unequal representation, unjust in its results upon the other States."

Here again you perceive the *grudging at constitutional*, which is called *unequal*, representation, in its effects upon the other States, to wit, the non-slaveholding States. This gentleman also displayed his determination and violence, by exclaiming, "that his purpose was fixed, and that if dissolution of the Union and civil war come, let it come!" These were some of the allusions made in the fifteenth Congress, to the effect of the Missouri question upon the balance of power; and they, too, by the majority on this floor, who, or some of whom, deny the influence of the consideration, as well as the use of the argument.

Mr. B. said, Mr. Speaker, I will now proceed to refer to some instances in which the same argument was renewed at the last session. I had become, sir, so fearful, nay almost sure, that this consideration had more to do than it should have, with the Missouri question, that, whenever the argument was recurred to, it made a strong impression upon my mind, in consequence of which I am now the better enabled to refer to the remarks of some gentlemen upon that point. An honorable gentleman from New Hampshire, (Mr. PLUMER,) who aimed to asperse Kentucky with having, some thirty years ago, menaced disunion, had said: "Feeling the weight of this slave representation, is it strange that the free States, believing they possess authority under the constitution, should wish to prevent its existence in States hereafter to be admitted?" This gentleman utters the habitual wailing of the malcontents and restrictionists at constitutional representation, which they are pleased to designate slave representation, accompanied by his belief in its influence on the

FEBRUARY, 1821.

Missouri—Report of the Committee of Thirteen.

[H. OF R.]

balance of power. Another gentleman, then from Massachusetts, now in his seat from Maine—the same who presented his constituents, and, by accident, the people of the United States, with a Christmas-gift, (which, and such like, may prove their curse,) after the most mature consideration, I say mature, because the gentleman first wrote and then read his speech to the House—this gentleman avowed dangerous and inflammatory doctrines, and, among other things, said, in reference to the slaveholding States, “for emoluments and power you give us commercial restrictions,” &c. Here the benign gentleman seemed to sigh for power, to avenge supposed wrongs.

The gentleman from Pennsylvania, (Mr. SERGEANT,) not many days past assigned as a reason, among others, to show the importance of the question, and why it should be left for the decision of a future Congress, mentioned the influence which it might have upon the balance of power; for this he was immediately rebuked, and he seemed to stand corrected. This evening, the gentleman, in an effort to relieve himself from so reproachful a consideration, charged the minority with having first used it, and particularly charged my colleague (Mr. CLAY) with having made some allusion to it at the last session, which my colleague has denied, and which I will venture to say no one else recollects. The idea of calculations of power influencing the House in their deliberations on the Missouri question, (views so inexorable to the demands of justice and reason,) always excited alarm in my mind; and, from a reference to it, at the last session, by a very able and influential member, as was the honorable gentleman from Pennsylvania, (Mr. SERGEANT,) who now disclaims it, I am enabled to settle the point in dispute between him and my colleague, by calling to their minds the facts as they transpired, and of which I have the most vivid recollection.

My colleague, (Mr. CLAY,) in the spirit of conciliation, which has characterized his every word and action from the beginning to the end of this contest, in one of his speeches of the last session appealed to the great and republican State of Pennsylvania, which had been regarded the key-stone of the federal arch, magnanimously to interfere and settle, as she might do, this contest, so big with the fate of the Union; the gentleman from Pennsylvania, (Mr. SERGEANT,) whilst replying, observed in substance, if not in words, and as I then thought, and still think, very impressively and significantly, that true it was, Pennsylvania had been regarded as the key-stone of the federal arch, but if Congress went on to admit new States into the Union, he did not know how long she would continue so; manifestly indicating his jealousy of the growing importance of the West, and the loss of the attitude of Pennsylvania as the key-stone of the federal arch; or, in other words, by a manner and in terms too plain to be misunderstood, the influence of the Missouri question upon the balance of power. Thus, said

Mr. B., it is plain to demonstration, as it is true in point of fact, that the majority, meaning to be understood several influential members of the majority, were the first to avow, and to continue exclusively to avow, this consideration; and that, not my colleague, (Mr. CLAY,) but the gentleman himself, at the last session, and at this, has consistently, though I cannot say wisely, presented the same view. And that which induced me to rise, without reflection, under every disadvantage of a House worn down with tedious sessions from day to day, at a late hour, when their impatience had been so fully evinced, was the indignation which I felt at the attempt made by the gentleman who had just resumed his seat, being himself the offender, to throw the blame and odium of the use and influence of this argument upon my colleague and the injured minority.

When Mr. BROWN had concluded—

The motion of Mr. STORRS to postpone indefinitely was decided about sunset, by yeas and nays—for the motion 42, against it 127.

So it was rejected.

Mr. MALLARY then renewed the motion which he had unsuccessfully made in Committee of the Whole, as before stated; and the question thereon was decided by yeas, and nays, thus—for the amendment 61, against it 107.

The question was then taken on agreeing with the Committee of the Whole in its disagreement to the report of the select committee, and the decision was as follows: for concurring 88, against it 86.

So the House refused to concur, and the amendment reported by the select committee was agreed to.

The resolution, as thus amended, is in the following words:

Resolved, &c., That the State of Missouri shall be admitted into the Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition, that the said State shall never pass any law preventing any description of persons from coming to and settling in the said State, who are now, or hereafter may become, citizens of any of the States of this Union: And provided, also, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday of November next, an authentic copy of the said act; upon the receipt whereof the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete: And provided, further, That nothing herein contained shall be construed to take from the said State of Missouri, when admitted into this Union, the exercise of any right or power which can now be constitutionally exercised by any of the original States.

The question being then stated on ordering the resolution to be read a third time—

The names of the members were called over. The Clerk, having come to the end of the list, was about to pronounce the result, when

Mr. KENT, whose delicate state of health scarcely enables him to attend the House, and who was not in the House when his name was called, requested leave to record his name.

Mr. JACKSON, under the same circumstances, except that he was within the walls of the House when his name was called, though not within the bar, made the same request.

The SPEAKER offered to receive their votes, if there was a unanimous consent to his receiving them; the rule of the House peremptorily requiring that no member should vote on any question unless he was within the bar of the House when his name was called.

Objection was made to their voting.

It was evident, from the sensation which filled the House, that the vote was a close one, though its result had not been announced.

Mr. CLAY, finding that the objection to these gentlemen would not be withdrawn, moved to suspend the rule of the House which forbids a change of the rule without one day's notice, in order to suspend or repeal the rule which forbids these gentlemen from voting.* After awhile, however, he withdrew his motion, relying on the magnanimity of some member of the majority to move for a reconsideration of the question.

The result of the vote was then proclaimed as follows: for the third reading, 80, against it 88.

YEAS.—Messrs. Abbot, Alexander, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Ball, Barbour, Bateman, Bayly, Blackledge, Bloomfield, Brevard, Brown, Bryan, Butler of Louisiana, Cannon, Clark, Clay, Cobb, Cocke, Crawford, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Earle, Eddy, Fisher, Floyd, Garnett, Gray, Guyon, Hackley, Hall of N. Carolina, Hardin, Hill, Hooks, Johnson, Jones of Tenn., Little, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Meigs, Mercer, Metcalf, Montgomery, T. L. Moore, Neale, Nelson of Virginia, Newton, Pinckney, Rankin, Read, Rhea, Ringgold, Robertson, Sawyer, Shaw, Simkins, Smith of New Jersey, Smith of Maryland, A. Smyth of Virginia, Smith of North Carolina, Stevens, Storrs, Swearingen, Tompkins, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker, Warfield, Williams of Virginia, and Williams of North Carolina.

NAYS.—Messrs. Adams, Allen of Massachusetts, Allen of New York, Baker, Beecher, Boden, Brush, Buffum, Butler of New Hampshire, Campbell, Case, Clagett, Cook, Crafts, Cushman, Dane, Darlington, Dennison, Dickinson, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Eustis, Fay, Folger, Foot, Forrest, Fuller, Gotham, Gross of New York, Gross of Pennsylvania, Hall of New York, Hemphill, Hendricks, Herrick, Hibahman, Hubert, Kendall, Kinsey, Kinsley, Lathrop, Lincoln, Livermore, Maclay, McChillough, Mallary, Marchand, Meech, Monell, R. Moore, S. Moore, Morton, Moseley, Murray, Nelson of Massachusetts, Parker of Massachusetts, Patterson, Philson, Pitcher, Plumer, Randolph, Rich, Richards, Richmond, Rogers, Ross, Russ, Sergeant, Silsbee, Sloan, Street, Strong of Vermont, Strong of New York, Tarr, Terrell, Tomlin-

son, Tracy, Udree, Upham, Van Rensselaer, Wendover, Whitman, and Wood.

So the whole resolution, amendment and all, was rejected.

Mr. LIVERMORE, who had objected to the above contested votes, then gave notice that he should, at 12 o'clock to-morrow, move for a reconsideration of this question, that every member might have an opportunity of voting on it. And then the House adjourned.

TUESDAY, February 18.

The Journal of yesterday having been read—

Mr. LIVERMORE, with the view of affording to members who were absent yesterday an opportunity of voting on the resolution from the Senate, rose to carry that purpose into effect; and, to obtain his object, moved to amend the Journal of yesterday's proceedings, by striking therefrom the order "that the Clerk should acquaint the Senate with the decision of this House on yesterday;" that, by withholding that Message, he might be enabled to move the reconsideration of the decision, when the time should arrive at which such a motion would be in order.

Mr. CLAY seconded the motion, and took the occasion to make a few remarks explanatory of an incident which occurred at the last session, on a question of reconsidering the final vote of the House on the Missouri bill, and to vindicate the then Speaker of the House from a presumed interference on that occasion, and to show that the Clerk did no more than his duty required him to do, in carrying the bill to the Senate without waiting the motion for reconsideration.

The motion to amend the Journal, as proposed, was agreed to without a division.

Missouri.

Mr. LIVERMORE moved to reconsider the vote of yesterday, by which the resolution from the Senate, as amended, for the admission of Missouri, was rejected.

Mr. TRACY, that the attendance of the members might be as general as possible, moved a call of the House, (Mr. LIVERMORE having waived his motion for the present, to give an opportunity for this motion.)

The motion for a call of the House was negatived—yeas 51, nays 78.

The question was then stated on the reconsideration of the vote of yesterday.

Mr. EDWARDS, of North Carolina, gave the reasons why he should vote for the reconsideration, from motives of comity to other members, and yet should again vote, as he did yesterday, against the resolution, should it be reconsidered.

Mr. GARNETT said, feeling, as he did, disposed to vote against the motion for reconsideration, and as his vote would be apparently inconsistent with that he had yesterday given for the en-

FEBRUARY, 1821.]

Admission of Missouri.

[H. OF R.]

grossment of the resolution, it was a duty he owed to himself to state the reasons which influenced him. When he first came to the House yesterday, he had read the amendment, and his impressions were against it. He had therefore voted against its adoption. His attention, however, having been subsequently attracted to the *proviso*, he had, without sufficiently examining the previous part of the resolution, believed that its effect was to do away and render nugatory all its provisions; and, under this idea, and in the spirit of conciliation, he had voted for engrossing the resolution as it had been amended. Subsequent and serious reflection had, however, induced him to think that he was mistaken as to the effect of the *proviso*, and that his first impressions were correct. It was, perhaps, true, that it was calculated to do away any inequality that might be produced by the conditions of the resolution, between the rights of Missouri, and those of the other States, "when admitted;" but it was an attempt to impose on her a condition previously to her admission, which we had no right to require her to perform. How was it possible that we who think that Missouri is, to all intents and purposes, now a State, and that she is only kept out of the Union by violence and injustice, can believe that we can impose on her any condition precedent to her admission; and that a condition, too, which requires her to relinquish a right which she can now exercise in common with every other State in this Union. It requires her to say that she will not pass any law preventing any description of persons who now are, or may hereafter become, citizens of any State, from coming to and settling in Missouri. Now, we all believe that she has the power to prevent a certain description of persons from coming in and settling in the State; and I am disposed to go still further, and to say, that she has the right to exclude any description of persons—even the white citizens of another State; for, if a State does not possess this right, this obviously absurd consequence follows—that a State could not banish a citizen upon any pretext whatever, for treason, or for the most infamous crimes; for he would have nothing to do but to become a citizen of another State, when he might return and reside in the State from which he was banished, in spite of its laws. But, however this might be, we all agree that Missouri has a right to exclude some description of persons, even though citizens of another State; and, agreeing in this, we cannot impose any precedent condition to her admission requiring her to abandon this right. It was useless to say that the solemn public act by which the resolution requires her to relinquish this right, is null. If it was so, it would not justify our supporting it. If you analyze the doctrine in its extremest possible result, the least that we concede by the resolution is, that Congress can impose conditions on a State which are null, but cannot impose any which are efficient and operative. But, if we admit

this doctrine, it will not be easy always to discriminate between conditions that are null and those that are operative; and if we concede the right of Congress to impose conditions at all, precedent to the admission of a State, whether void or otherwise, we deprive ourselves of the argument against their constitutionality, in any future attempt that may be made to impose such conditions on Missouri or any other State.

Mr. RANDOLPH made a few remarks, by way of protestation against the proposed reconsideration. The battle, he said, had been fairly fought, and fairly won—or lost, as gentlemen should please to consider it. He considered the proposed reconsideration to be, under the circumstances, contrary to parliamentary usage, and as tending to prostrate the great constitutional barriers which surround the powers of this House. Mr. R. concluded by vouching his life for it that this question might be settled without recourse to reconsideration.

Mr. CLAY replied, regretting the unfortunate situation in which he was placed, having to meet objections of an opposite nature, and from quarters of the House whence he had no right to expect them. Though gentlemen might not be in favor of the resolution as amended, they ought yet to vote for reconsideration, that the door might be kept open for a different amendment, if a different one should be thought necessary. He threw himself on the frankness and courtesy of the House, to allow the members who were absent on yesterday an opportunity of recording their votes.

Mr. FLOYD intimated his intention to vote for the reconsideration, but stated that more important questions than this had been lost during his observation, by the absence of members from their seats. Conceiving that a remedy ought to be provided for this evil, he stated his intention of moving, at some time during the session, an amendment to the rules of the House so as to require, that, on each call of the yeas and nays, the names of absentees should be entered on the Journals, designating the States which they respectively represent.

After some further conversation, of an incidental nature—

The question of reconsideration was taken, and decided by yeas and nays: For the reconsideration 101, and against it 66.

So the House determined to reconsider the vote of yesterday rejecting the resolution from the Senate in its amended shape.

The question then again presented itself in this form: Shall the amendment be engrossed, and, with the resolution, read a third time?

Mr. HACKLEY, of New York, assigned, at considerable length, the reasons which had induced him, as a member of the select committee, and on the subsequent vote in the House, to give his suffrage in favor of the amendment reported by the select committee.

Mr. FULLER delivered to the House the grounds on which he was opposed to this resolution, not believing that the condition annexed

to the admission of Missouri obviates the objection to that clause of her constitution which is supposed to conflict with the Constitution of the United States.

Mr. EDWARDS, of North Carolina, said, feeling it his painful duty, upon the present occasion, to differ from those with whom it had been his pleasure to act upon almost every proposition concerning Missouri, he trusted he need offer no apology for the part he should take in consuming the valuable time of the House. He would not, he said, detain the House long; he knew it was impatient for the question, and would endeavor to state, as succinctly as possible, the reasons which determined the course he was about to take. Whatever, Mr. E. said, might be his views upon this resolution, to whatever conclusion he may have come, he could but distrust his own judgment when opposed by the opinion of the select committee who reported it to the House. With some of the members of that committee, he said, he was well acquainted; he had the fullest confidence in their abilities, and regretted he could not go along with them. His great anxiety to put to rest this distracting subject was manifest from his course hitherto; and no gentleman could, for a moment, believe he would hesitate to vote for any proposition to admit Missouri which his judgment approved.

He had bestowed the fullest consideration upon this resolution, and could not bring himself to support it. What, sir, is the first member of it? It is declared to be a fundamental condition upon which Missouri is to be admitted into the Union, that she "shall never pass any law preventing any description of persons from coming to, and settling in, the said State, who now are, or hereafter may become, citizens of any of the States of this Union." Did it, he asked, recite in so many words the clause in the Constitution of the United States, which declares "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States?" No, sir. It in truth contained our own construction of that clause; it set forth our own opinion, to a certain extent, of the obligation it imposed, and we demand of Missouri submission to that opinion as a *sine qua non* of her admission. And are gentlemen prepared to maintain this doctrine? Would they tell him that Congress possess the power to cut down and restrict the State sovereignties by legislative construction of the Federal Constitution; and that, too, of a clause merely to restrain the legislative discretion of the States themselves? Establish this doctrine, and to what will it lead? What will be the powers of this Government, and where the limit to them? I ask, said Mr. E., do gentlemen mean to say, that whatever may be our construction of the Federal Constitution; whatever rights we may think we ourselves possess, we can demand of a State who asks admission into the Union, to stipulate she will adopt the one and not violate the other? If so, what is

to prevent us from saying to Missouri, to Michigan, to Arkansas, or any other Territory who may hereafter apply to become a member of the Union, "we have a right to promote the internal improvement of the country by a system of roads and canals, when, how, and where we please, and we demand of you, as a condition of admission, a stipulation that you will pass no law interfering with the exercise of this right, or, indeed, of any other right which we may imagine we possess?" And why not? We may say then, as now, it is consistent with our interpretation of the constitution, and we impose no new obligation. Sir, I will never consent to establish such a principle by my vote. The powers of this Government are mighty enough; their march is onwards; and I wish they may not sooner or later entirely absorb the powers of the States. He knew he should be told that his objections to the first proviso were obviated by the last, which asserts that Missouri, when admitted, shall have all the powers of the original States. But he could not so view it; whether our construction of the Federal Constitution, in this particular, be right or wrong, the principle still remained. He objected to the exercise of a right by Congress to decide for the States the extent of their political powers.

This resolution must receive such a construction as will give effect to every member of it, as will reconcile all its parts. And was he to understand gentlemen to say that Missouri, thus restricted, will have all the powers of the original States; or that the original States had the same powers, and no more than she had? Gentlemen are mistaken when they say the import of the terms "privileges and immunities" is remitted to judicial cognizance; we have ourselves, in some degree, given their meaning. The resolution uses the words "any description of persons," and declares them entitled to go to, and settle in, Missouri, if they be citizens of any of the States. It does not say of the United States. What privileges and immunities are secured to the citizens of the United States by the clause in question, the Legislatures of the States must decide, subject to revision by the Judiciary; and how far the States are restrained, in this respect, there is much difference of opinion even in this House. Let Missouri, then, enjoy the rights her sister States possess; let her be at liberty, as they are, to expound the Constitution of the United States according to her sense of her own obligations of duty and of conscience.

Mr. RANDOLPH stated some of the grounds on which he was opposed to this resolution. He considered it as proposing a sacrifice of the rights not only of Missouri, but collaterally of all the States of the Union, to mistaken notions of expediency; and entered into an argument to support that position. He declared himself to be opposed to the annexation of any condition to the act of admission of Missouri.

Mr. STORES followed, in an argument in sup-

FEBRUARY, 1821.]

Admission of Missouri.

[H. OF R.]

port of the resolution, and the sufficiency of its provisions to obviate the objection which he had entertained to the naked resolution for admission, when that question was presented at an earlier period of the session. He earnestly deprecated the disposition which appeared to prevail with some gentlemen, to leave Missouri in a state of disconnection from, and independence on, the Government, proposing to do nothing with her now, and promising to do nothing more hereafter, &c.

Mr. CLARK, of New York, spoke as follows:

During the last session of Congress, when the question of restricting slavery in that State was discussed, I supported it, in every instance, by my vote. Congress, however, decided against those who thought and acted with me on the question. How that decision was obtained I will not now inquire. It is sufficient for me that the opponents of restriction were not indebted to me for their success, either by my absence or by a change of my vote. But, however that decision was obtained, I considered it binding on Congress. By it Congress solemnly pledged itself to Missouri, that, if she would present a constitution, in other respects republican, and not repugnant to the Constitution of the United States, she should be admitted into this Union. I considered myself bound by this pledge. I have no alternative left. I cannot for a moment consent, as a member of this House, to observe a Punic faith even to Missouri. I know it is objected that Missouri has not fulfilled her part of the compact; that her constitution, in one of its provisions, is repugnant to that of the United States. I agree that it is. But we have no evidence that this repugnant clause was inserted with intent to violate any of the provisions of the Federal Constitution; and we certainly are warranted in judging charitably of her intentions, when we reflect that several of the States have enacted laws of the same tendency, and equally repugnant to the Constitution of the United States. It is a common judicial maxim, equally applicable to States and individuals, that every one is presumed innocent until proven guilty. Adopting this maxim, we cannot yet pronounce sentence against Missouri. If gentlemen will prove to me, by reasonable argument, that we are not bound by the law of last session, and that we still have the right, consistent with good faith, to revive the question of the restriction of slavery in Missouri, and that there is any, even the most distant hope of bringing it to a successful termination, I will go with them; for I wish it distinctly understood, that I am not excited to my present course by any sympathy for Missouri; I feel none: nor am I prompted by fear. The menaces of gentlemen have no influence on my mind.

Mr. SMITH spoke as follows:

Mr. Speaker, in rising, principally to ask for the eyes and noses on this now apparently desperate resolution, my bosom swells with emotions to which my tongue can give no utterance.

I feel myself authorized to warn gentlemen, in the most solemn manner, that the nation is heart-sick of this question; and I do believe, if it were left to the people, Missouri would be declared to be admitted almost by acclamation. The inhabitants even of the North and East abhor the existence of a subject which has been so pressed upon Congress as not only to occasion great expense and loss of time, but to agitate the nation from Maine to Georgia; and although it may not be strictly parliamentary to speak of information coming in any other than an official shape, yet I venture to assert, upon that on which I place the most implicit reliance, that, in many sections of the New England States, there is a vast majority in favor of unconditional admission! Shall I, then, on a matter of such moment, of such national importance, that almost every day it exists adds to the bad feelings, jealousies, and spirit of disunion, so destructive to our peace, stop to argue the lawyer-like and attenuated argument of the gentleman from Connecticut, (Mr. TOMLINSON,) as to the power of the Legislature of Missouri to give its assent to the proposition submitted by the committee; a proposition most ably and zealously vindicated by the gentlemen from Kentucky and from New York, (Messrs. CLAY, FORD, and HACKLEY.) Sir, this is no time to consider technical arguments and sceptical objections; it is the time to insure the harmony of the country by a settlement of this ominous and ill-boding question.

Mr. ROSS, of Ohio, spoke at some length, and with much earnestness of manner, in opposition to the resolution, on the ground that its provisions were inefficient in themselves; or, being otherwise, were of a most pernicious tendency. He considered it an expedient to avoid a responsibility which gentlemen were afraid to meet. He reprobated the change of sentiment which some gentlemen had evinced, and intimated that, if honest in their first opinion, they had acted dishonestly, or under the influence of improper motives in voting differently now, &c.

Mr. LITTLE, of Maryland, was about to speak in reply to Mr. ROSS, and in vindication of his course on this question—

When an explanation took place between Mr. CLAY and Mr. ROSS, which induced Mr. L. to waive his remarks.

Mr. BALDWIN, of Pennsylvania, next spoke earnestly in support of this resolution, and in reply to those who had spoken against it. He invoked those whom the resolution, as it now stood, did not please, to say explicitly what would please them, it having been decided by a large majority that the restriction of last session was out of the question.

Mr. SMITH, of Maryland, spoke briefly upon one point of the resolution which had been particularly objected to.

Mr. PINCKNEY, of South Carolina, spoke as follows:

Mr. Speaker, there are many reasons which

make it incumbent on me not to suffer this question, which I consider the final one on the acceptance or rejection of the constitution of Missouri, and her admission into the Union, to pass without presenting my views on the subject to the House. These reasons are, the importance of the question itself, the great interest the State I represent, in part, has in it, and, not among the least, the frequent calls made upon me in this House, and references in the other, as to the true meaning of the second section of the fourth article of the Constitution of the United States, which it appears, from the Journal of the General Convention that formed the constitution, I first proposed in that body.

We are now arrived at the most awful period which has hitherto occurred on this delicate and distressing subject. On the decision of the question before you is to depend whether we are to rise in harmony with each other, having made the necessary provision for the admission of Missouri on an equal footing with the other States, or to reject her constitution, and leave her, erected as she completely is, by our own authority, into a State, unowned and unadmitted into our Union, of which, under the fostering care of Government, she soon bids fair to become a most valuable member.

Mr. Jefferson says, in a letter to a friend, which has been published, at least this sentence of it: "The Missouri question is the most portentous one that ever threatened our Union. In the gloomiest moments of the Revolutionary war, I never had any apprehension equal to that I feel from this source." I agree perfectly with him, and join those gentlemen in opinion who consider this, beyond all comparison, the second question in point of importance, which has been agitated among us since our revolt from the parent State. The first was the memorable declaration which confirmed the Union, and gave birth to the independence of our country. This is the only one which may, in its consequences, lead to the dissolution of that very Union, and prove the death-blow of all the political happiness and national importance once so rationally to be expected from it. I feel myself authorized to express this fear by the fact, that the gentlemen in opposition have now thrown off the veil, and expressly declare their intention is to leave, if possible, this question to the next Congress; to leave to them, unfettered by any act of ours, the power to decide how far the true interest of the Union may then make it necessary to produce anew, and struggle for the imposition of the restriction on slavery in Missouri, which has, during the three last sessions, shaken the Union to its very foundations. They openly avow that they do not consider themselves bound by the compact of the last year, confining that restriction to the territory north of 36 degrees 30 minutes, but aver, if they have strength enough to do so, their intention to leave the next Congress free to decide it as they please.

In considering the subject, I shall endeavor

to prove to you that Missouri, in complying with the act of Congress of the last session, has submitted to you the very best republican constitution I have ever seen; one not only superior to that of the other States, but even to the boasted one of the United States; and that if she has, without the least intention to violate it, inserted the article respecting the prohibition of free negroes and mulattoes, she may fairly be considered as not only having done it under the sanction of Congress, but I may almost be justified in saying under their recommendation.

In examining the constitution of Missouri, it will be found, that while it has carefully avoided all those defects which time and experience have discovered in the constitutions of the other States, it has wisely ingrafted all their excellences, and made additions of others heretofore omitted or not thought of. The first branch of her Legislature is, contrary to all the others, except South Carolina and Tennessee, elected for two years, thereby avoiding the almost continual irritation and intrigue incident to annual elections, while sufficiently short to continue the Representative as connected with his constituents, as he ought to be. The Senate are elected for a longer term, and with a proper rotation, so as to unite firmness, stability, and system, with a due degree of dependence and responsibility. Their Executive is elected for four years, possesses the same revisionary power as the President of the United States does, and has exactly that permanence, nomination to office, and patronage, which an Executive ought to have, to give weight and respectability to his office, and no more.

Her Judiciary are wisely appointed, and are completely independent in the tenure of their office and salaries, all the provisions it has made for the government of their militia, and the distribution of knowledge among the rising generation of their country, do honor to the talents that formed the constitution, while those which provide for the humane treatment of slaves by their masters, and their trial by jury, and punishment in the same manner as the whites, and make the murder, or dismemberment of a slave, punishable as if committed on a free white person, are honorable and liberal improvements on the policy which has hitherto governed other States in these respects; the declaration of rights annexed to their constitution recognizes and establishes all the great and indispensable principles of free government; in short, in every thing except with respect to those provisions which are held to interfere with its claim to admission into the Union, Missouri must appear to every impartial man to have done herself credit by her constitution, of which the essential ingredient of general suffrage, or, in other words, equal political rights, is the basis.

I have said no other State constitution is comparable to it, and to prove this, for brevity sake, let us shortly examine the constitution of Massachusetts, New York, Pennsylvania, Maryland, and Virginia, and we shall, as republicans

FEBRUARY, 1821.

Admission of Missouri.

[H. OF R.]

systems find them far inferior indeed to Missouri; and as the question is on the acceptance of her constitution, and admission into the Union, this examination becomes peculiarly proper.

In examining the constitution of Missouri, you find it free from all these defects; and, as the great question now before us is the acceptance of her constitution and admission into the Union, I wish, as far as I am able, to show to the people of this country its excellence and superiority, as a republican one, over those of the important States I have mentioned, and, indeed, of all the others, that they may be enabled to judge whether it can be possible so excellent a system can be rejected for the trifling reason that it inadvertently contains a provision prohibiting the settlement of free negroes and mulattoes among them, or whether it is not infinitely more probable that other reasons of a much more serious nature, and pregnant with the most disastrous events to the future union and peace of these States, are at the bottom of this unexpected and inexcusable opposition. My reason for being of this opinion is, that if this was not the case the course of their proceeding on this subject would have been most probably as follows: There would have been, as there must inevitably have been, a unanimous approbation of every part of the system except this prohibitory clause, and this would have been considered, as it certainly is, nothing more than a strong recommendation from the convention that formed the constitution to the future Legislature, which might or might not comply with it, after giving it a much more full and deliberate examination than it was in the power of the convention to do, as, in their opinion, was most consistent with the Constitution of the United States, or the interest of their own State. If the convention had not determined to leave it wholly to the discretion of the Legislature, why did they not, in express terms, declare that no free mulattoes or negroes should ever be allowed to enter into Missouri, and make it a part of the constitution? It was easy to have framed a short article on the subject, and not to have made the intervention of the Legislature necessary; besides, what shows that the Legislature are of this opinion is, that, as far as we know, they have hitherto passed no such law, and, if they should not, where is there a penalty annexed to their not doing so, or where is the power to compel them? But I now proceed to state, in my opinion, the article is not an unconstitutional one; and that, even if it was, it might be considered, in some degree, as sanctioned virtually, or tacitly recommended by Congress.

I say it is not, in my judgment, unconstitutional, for the following reasons, in which I mean briefly to answer to the call that has been made upon me: It appears by the Journal of the Convention that formed the Constitution of the United States, that I was the only member of that body that ever submitted the plan of a

constitution completely drawn in articles and sections; and this having been done at a very early stage of their proceedings, the article on which now so much stress is laid, and on the meaning of which the whole of this question is made to turn, and which is in these words: "the citizens of each State shall be entitled to all privileges and immunities in every State," having been made by me, it is supposed I must know, or perfectly recollect, what I meant by it. In answer, I say that, at the time I drew that constitution, I perfectly knew that there did not then exist such a thing in the Union as a black or colored citizen, nor could I then have conceived it possible such a thing could ever have existed in it; nor, notwithstanding all that is said on the subject, do I now believe one does exist in it; and, in order to prove this, the only true question for consideration is, what is a citizen of the United States? And I now answer, as we consider one in the State to which I belong.

In South Carolina we consider all white persons born in the same, or adopted according to law, to be citizens, and entitled, as such, to all the privileges of a citizen, where not disabled by something personal to themselves. Their privileges vary according to their sex and situation. Females are wholly excluded from a right to vote, or to office, and are confined to their proper sphere; but all males born in the State, or in the United States, after a certain residence in that State, or adopted according to law, are equal, except clergymen, who, on account of their office, are excluded from the Legislature. At the age of eighteen they are all enrolled into the militia, and serve as the defenders of their country. At twenty-one they are, from our general suffrage law, qualified to vote, to serve on juries, and to be eligible to the Legislature, and all offices except two, which require greater age. They have a right to sue, and are liable to be sued; to take a freehold, and hold property. They are all entitled to the trial by jury, and intermarry at any age.

This, and this alone, is called a citizen there; and nothing less than this can, in my opinion, constitute a citizen of the United States. Now, let us compare this *white* citizen of the South with the *black* or colored man, such as he is in the Eastern or Northern States; and then let it be seen whether, for the protection of the comparatively few rights of such a being as he is—of a person so situated, so unlike a citizen, and so almost wholly without his privileges—gentlemen can be serious in refusing the admission of Missouri, and risking the consequences.

At the close of the war all the States had slaves; the Northern and Eastern to a considerable amount, and the Southern to a much more numerous one. The former, extremely anxious to get rid of them, passed laws for the gradual abolition of slavery, and, by their ill-treatment, by the contempt they exhibited for them, and the marked line of distinction drawn between them and the whites, I am told, in the

Eastern States, they have almost driven the whole of them away—many to the West Indies, and more to the Southern States; so that in the six Eastern States, I am informed, not more, at present, than a few thousand remain.

And here let me ask, how have they effected this? Why, as I have just said, by treating them, on every occasion, with the most marked contempt—by never employing them when whites can be procured, thus reducing them to great penury and distress—by refusing to trust them with the defence of the country, or enrolling them in their militia—by denying them the right to serve on juries, or in their courts to give credit to their oaths in suits where whites are concerned—by preventing their marrying, under heavy penalties, with the whites—and by even refusing to them the right of remaining more than two months in their State, under penalty of whipping; thus showing that, so far from wishing to treat or consider them as citizens, they view the mixture of their blood, and any connection with them, as a disgrace to the whites. The only solitary privilege which it seems is granted them, is, on pressing occasions, where votes are wanted, these degraded beings are frequently, in a most improper state, dragged to the polls, with tickets in their hands which they cannot read, and compelled, by men under whose influence they are obliged to act, to disgrace, in the most shameful manner, the highest privilege our Republic boasts, and which, I will venture to say, is in no other country equally degraded, as by a view of their condition, and the manner the blacks are treated in Europe, will presently be shown. And, perhaps, this is the proper place to remark, that it was impossible for Missouri to have held any other opinions on this subject than those she did, when, in addition to all this, she well knew Congress had never, by their laws, naturalized any but whites, or admitted any other to be enrolled into the militia, or had, by any act, in the most remote degree, acknowledged or considered a black or colored man as a citizen.

I find it difficult to say what opinion ought to be attached to the perseverance which the majority of this House have exhibited for three successive sessions, on this occasion, in struggling to establish the points for which they have contended, and in which they have shown so little attention, or have had so little respect for the feelings of their brethren of the Southern and Western States. It must have arisen either from a wish to dissolve the Union, and separate themselves from the slaveholding States, or from a total want of knowledge of the distinction which has, from time immemorial, existed in the civilized world, between the black and white race, and the strong and immovable line which has separated, and will for ever continue to separate, them in the Southern and Western States of this Union.

There can be no question what the opinion of Europe is as to the black race; for there the

line of distinction is as strongly drawn as it is between the whites and them in the Southern and Western States. Nor is this peculiar to the moderns; the same opinion was entertained by the ancients of the then civilized world as exists at present.

In speaking of the situation of the interior of Africa, where the black race were first found, it is natural to turn our attention to what it has been from the earliest ages we are acquainted with. In doing so we find that, of all the quarters of the globe, this is the only one which remains completely unaltered from the creation until the present moment. The African man is still as savage as ever—he is as unchanged as the lion or tiger which roams in the same forests with himself.

It may be asked, Why this unchanged situation while always in the neighborhood, and within the reach of all the most civilized part of the then known world? Why should every part yield to the extension of learning and the arts, while the Africans still continued the barbarous and cannibal race they were from the beginning? The reason is plain from the only data given us to judge from. They certainly must have been created with less intellectual powers than the whites, and were most probably intended to serve them, and be the instruments of their cultivation. A strong reason in favor of this opinion of their inferiority to the whites is, there never having been one of the race, notwithstanding all the pains taken with them, that has attained any thing like what may be termed mediocrity in learning; and, for this and other reasons, some of the most able philosophers in both continents, among whom may be named Mr. Hume and Mr. Jefferson, have invariably expressed the same sentiments.

Such, too, has unquestionably been the opinion of all the most enlightened nations of Europe; or else, when England, and Spain, and France, and Holland had, by the discovery of America, acquired colonies there, why did they instantly send their ships to Africa, to stock them with slaves, and to no other place? Why not send to Asia, or take the native Indians in their neighborhood, and employ them? The reason was, that they found no other part of the human race so inferior in intellect to the whites as the Africans, or none which it can be so fairly presumed were created for the purpose of serving them.

Let us now view the conduct of England. It is true, in the case of Somerset, her courts determined no human being could be held in slavery in England; but there they stopped. You never have heard of any of the colored race being admitted to the rights of British subjects so far as to vote at their elections, to serve on juries, to be admitted to swear in their courts; to be enrolled in their militia; or to be eligible to Parliament; or to hold any office of honor or profit under their Government.

In their colonies they keep them in abject

FEBRUARY, 1831.]

Admission of Missouri.

[H. OF R.]

slavery, perhaps more so than exists in any part of the world, not even excepting the Portuguese or Spanish colonies.

In the dominions of France in Europe, they carry the exclusion of the blacks further than in any European nation; for, by an ordinance of France, issued long ago by one of their monarchs, and still in force, they are forbid to enter, and all persons are forbid to bring them, under severe penalties, into France; stating in the ordinance, among the principal reasons which induced it, the determination of the French Government to prevent any intermixture between the white and black blood. It is not a little singular that, in the discussion which took place the last session, on the restriction, the able Senator whose recent death is so justly deplored as a public loss, should have used exactly the same reasons in support of it.

We are, sir, very fond of imitating the Romans in every thing we can, without inquiring how far, from the very different nature of our Government, it was strictly appropriate. We have, in imitation of them, made the most ferocious of all the birds of prey our national standard, and named the edifice in which we are now legislating, the Capitol. Why not follow them in their opinions respecting the African race? Rome was well acquainted with them. She had carried her victorious eagles to Carthage, and afterwards to Alexandria; they were well acquainted with the interior of Africa, whose inhabitants were essentially different from those of Carthage and Egypt in color, and infinitely their inferiors in intellect. They were, as they are now, cannibals and barbarians. So far from any of them, or their descendants, ever having been considered as citizens by the Romans, it does not appear they even condescended to make them their slaves; for, like the Greeks, all the slaves among the Romans were white. It is, therefore, probable that, like the French in Europe, they disdained to mix the Roman blood with them. How different must have been their opinions and feelings from those of our Northern and Eastern brethren, who now not only consent to receive and cherish them themselves, but wish to throw in upon Missouri and all the Southern and Western States, in the shape of citizens, the very race which Rome refused to receive and use as slaves!

But, sir, it will be impossible for them to succeed. The distinction which has existed from the earliest ages, in Europe and in America, from its discovery and settlement, down to the present moment, can never be removed. Instead of diminishing, the very discussion of this question will increase its strength, as is now daily proved by the laws which have just passed, and others of a similar character now under discussion in the Southern States, and which never would have been passed but for this attempt; one much more dangerous and alarming than that of the last session; it has come most unexpectedly on them.

They, in common with the people of all the States, supposed that the question had been put at rest for ever—they viewed the compromise as binding in honor on every part of the Union—they had the good sense to know that, in a government so extensive as this, and differing in its climate and productions, and consequently in its interests, that every thing must be done by compromise—that the Constitution of the United States itself was the work of compromise, and in nothing so remarkably and of such importance as on the very subject of slavery, in not only consenting the Southern States should have a representation for their slaves, but going the very extraordinary length further in allowing them, if they pleased, to keep the African trade open for twenty years—and that this constitution of compromise was formed by a body of men, at least as well-informed and disinterested, and as much the lovers of freedom and humanity, as may probably ever again be assembled in this country; while therefore the constitutional compromise is, as it had always been, strictly adhered to, they can see no reason why on the same subject the compromise of the last session should not be—they fear that the mere admission of a few free negroes and mulattoes cannot be the true cause of all these exertions, and of all this perseverance on the part of the majority of this House, but that something of greater importance is intended, by the astonishing anxiety now shown to keep the question open to the next session.

If this was not the case, I should have supposed a train of reasoning something like the following ought to have weight with the House. The constitution of Missouri, now under examination, is formed truly republican, and indeed excellent in all its provisions, except the one objected to—in defence of this it is asserted that it is no violation of the Constitution of the United States, because no free negro or mulatto in any of the States, in the circumstances in which he is at present, can be considered as a citizen.

That, except in the solitary right to vote in a few Northern States, he is destitute of every other qualification, and that until they, either by an alteration of their constitution or laws, admit him to a full participation of all the political rights of their white citizens, neither the Supreme Court or any other could consider him as such—that Missouri having no idea of the existence of such a thing as a black or colored citizen of the United States, and knowing that all the Southern and Western States had for many years passed laws to the same effect, which laws are well known to Congress, being at this moment in their library and within the walls of the Capitol, and which were never before objected to by them or their courts, they were no doubt warranted in supposing they had the same right. I repeat here what I asserted before, as I think it an argument of great weight, that the silence of Congress on the antecedent laws of the Southern and Western

States, on this very subject, might indeed be fairly considered as a sanction to the proceeding, or, might we not go further and say, this silence of Congress ought to be considered as full proof that they knew the imminent danger there was in the Southern and Western States admitting such persons, and, therefore, on every occasion where they were passed cheerfully acquiesced in them, and to go a little further, might not this acquiescence, under the operation of the maxim long received among jurists, and agreed to, "*Qui non prohibet, quando prohibere potest, jubet*," be viewed as at least a kind of tacit or implied recommendation?

As to the idea which has been frequently thrown out in this debate, that Missouri knew it was repugnant to the constitution, and notwithstanding did it, as it were, to defy Congress, it is the most unfounded one imaginable. On the contrary, it appears by her constitution she has done every thing with respect to slaves she consistently could to recommend it to Congress; she certainly has done every thing she could, with propriety, to better their situation, and to display a very kind and humane disposition towards them; they are carefully guarded from bodily injury; a fair trial is secured to them, and, from the provisions respecting equality of punishment, no unusual severity can ever be exercised towards them.

Nor is it to be supposed if they had had the most remote idea that the article objected to would have been considered as offensive or repugnant to the Constitution of the United States, they would have inserted it; for what purpose could they wish to irritate a Government from which they had every thing to expect, whose protecting arm was necessary to their growth and happiness, and whose refusal to accept their constitution and admit them into the Union must involve them in difficulties of the most inconvenient if not serious nature? No, sir, the idea of its being repugnant to the constitution could never have been conceived by them, much less could they have supposed it should have been considered as a defiance of your authority. They certainly had no such ideas, and if every other part of their constitution is in complete accordance with your act—if all the rest of it is strictly republican, and in conformity with the Constitution of the United States, even supposing, which I do not admit, that this article or recommendation, or call it what you please, might be thought to clash with it, will you suffer a single clause or article to give a character to the whole, and while you confess, which no man can deny, that all the rest is excellent, that this single article shall suspend your admission of her into the Union, and leave you exposed to the difficulties such a state of things must produce?

Mr. Ford, of New York, next spoke in vindication of his course on this subject, and in warm reply to Mr. Ross's remarks casting blame on those whose course had been the same as that of Mr. Ford.

Mr. CLAY concluded the main debate, by a speech of about an hour's length, in which he alternately reasoned, remonstrated, and entreated with the House, to settle forever this agitating question, by passing the resolution before it.

Mr. Foot said he felt himself called upon, by the remarks which had fallen from the gentleman from Ohio, who had made an allusion to him, as if addressed to him by name, with a direct charge of inconsistency, to rise in his own defence, and to repel the charge; and he trusted the committee would excuse him for trespassing on their patience.

Sir, said Mr. F., I would inform that gentleman that my course, during the whole discussion of this subject, during the last as well as the present session, has been regulated by one uniform principle, viz: a sacred regard to the Constitution of the United States. This has been my pole star. Believing, as I did, that the constitution did not warrant the imposition of the restriction, I voted against it.

With the same regard to my oath, to support that constitution, I voted against the resolution for the unconditional admission of Missouri; at the present session, because her constitution contains an article which, in my opinion, is repugnant to the Constitution of the United States, and does not comply with the conditions proposed by the act of last session.

And, sir, I must say, I can never vote for her admission on any other condition than that Congress require that this offensive article be expunged. Self-respect, and a due regard to our laws, require it. And I demand of that gentleman to show the inconsistency.

The question was then taken on ordering the resolution to be engrossed for a third reading, and decided in the negative—yeas 82, nays 88, as follows:

YEAS.—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Ball, Barbour, Bateman, Bayly, Blackledge, Bloomfield, Brevard, Brown, Bryan, Butler of Louisiana, Cannon, Clark, Clay, Cobb, Cocke, Crawford, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Earle, Eddy, Floyd, Ford, Gray, Guyon, Hackley, Hall of North Carolina, Hardin, Hill, Hooks, Jackson, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Little, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Meigs, Mercer, Metcalf, Montgomery, T. L. Moore, Neale, Nelson of Virginia, Newton, Pinckney, Rankin, Reid, Rhea, Ringgold, Robertson, Sawyer, Shaw, Simkins, Smith of New Jersey, Smith of Maryland, A. Smyth of Virginia, Smith of North Carolina, Stevens, Storrs, Swearingen, Tompkins, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker, Warfield, Williams of Virginia, and Williams of North Carolina.

NAYS.—Messrs. Adams, Allen of Massachusetts, Allen of New York, Baker, Beecher, Boden, Brush, Buffum, Burton, Butler of New Hampshire, Campbell, Case, Claggett, Cook, Crafts, Cushman, Dane, Darlington, Dennison, Dewitt, Dickinson, Edwards of Connecticut, Edwards of Pennsylvania, Edwards

FEBRUARY, 1831.]

Election of President and Vice President.

[H. OF R.]

of North Carolina, Eustis, Fay, Folger, Foot, Forrest, Fuller, Garnett, Gorham, Gross of New York, Gross of Pennsylvania, Hall of New York, Hemphill, Hendricks, Herrick, Hibshman, Hobart, Hostetter, Kendall, Kinsey, Kinsley, Lathrop, Lincoln, Livermore, Maclay, McCullough, Mallary, Marchand, Meech, Monell, R. Moore, S. Moore, Morton, Mosely, Murray, Nelson of Massachusetts, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Plumer, Randolph, Rich, Richards, Richmond, Rogers, Ross, Russ, Sergeant, Silsbee, Sloan, Street, Strong of Vermont, Strong of New York, Tarr, Tomlinson, Tracy, Udree, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood.

So the resolution was rejected.

WEDNESDAY, February 14

Election of President and Vice President.

Mr. CLAY, from the Joint Committee, to whom the subject had been referred, reported the following resolutions:

Resolved, That the two Houses shall assemble in the Chamber of the House of Representatives, on Wednesday, the 14th February, 1831, and the President of the Senate, seated on the right of the Speaker of the House, shall be the presiding officer of the Senate, and the Speaker shall be the presiding officer of the House; that two persons be appointed tellers on the part of the House, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Resolved, That, if any objection be made to the votes of Missouri, and the counting or omitting to count which shall not essentially change the result of the election; in that case they shall be reported by the President of the Senate in the following manner: Were the votes of Missouri to be counted, the result would be, for A. B. for President of the United States, — votes; if not counted, for A. B. as President of the United States, — votes; but in either event A. B. is elected President of the United States; and in the same manner for Vice President.

Mr. CLAY offered some remarks explanatory of the considerations which governed the committee in recommending the resolutions which had been reported. As convenience rendered it necessary for the Senate to meet this House here, in its own Hall, it was due to that body, by courtesy and propriety, that the President should be invited to preside, he being the officer designated by the constitution to perform a certain duty appertaining to the occasion which called the two Houses together. As to the second resolution, the state of the votes for President and Vice President was well known, though unofficially, and, as the votes of Missouri could not affect the result, it was considered by the committee, to obviate the unpleasant difficulty which would otherwise arise in the joint meeting, better to provide for the

case in the manner proposed. This course was deemed by the committee the most expedient, under all the circumstances, and he hoped the House would adopt it, the more especially as the Senate had already concurred in it.

The question was taken on the first resolution, and agreed to without a division, though several nays were heard.

The question being stated on the second resolution—

Mr. RANDOLPH said he could not consent to this special verdict, as it had been called, in the case of Missouri. He could not recognize in this House or the other House, singly, or conjointly, the power to decide on the votes of any State. Suppose, he said, you strike out Missouri, and insert South Carolina, which also has a provision in its constitution repugnant to the Constitution of the United States; or Virginia, or Massachusetts, which had a test, he believed, in its constitution; was there any less power to decide on their votes, than on those of Missouri? He maintained that the Electoral College was as independent of Congress, as Congress of them; and we have no right, said he, to judge of their proceedings. Mr. R. said he would rather see an interregnum, or see no votes counted at all, than to see a principle adopted which went to the very foundation on which the Presidential office rested. Suppose a case, in which some gentleman of one House or the other should choose to turn up his nose at the vote of some State, and say that if it be so and so, such a person is elected; and if so and so, what-you-call-em is elected—did not everybody see the absurdity of such a proposition? Mr. R. added other remarks illustrative of his opinion of the course proposed by the resolution—deeming it not only erroneous, but erroneous in a matter of vital importance—in the ascertainment of the person who had been elected by the people Chief Magistrate of this nation—the most important officer under the constitution—the monarch—for, whoever, in any country, commands the army and navy, and collects and distributes the revenue, is a king, call him what you will. The time of this House was precious, and he would not consume it, by saying all he thought and felt on the subject.

Mr. TRIMBLE was far from desiring to consume the time of the House, or to embarrass the House, but he could not give his consent to this resolution. If any thing was due to State rights, this resolution ought not to be adopted; as it would, however immaterial in the present case, be cited hereafter as a precedent; and precedents were becoming important things in the public transactions. The House might set an example by this vote, as ruinous in its consequences, as any decision which could be made. It was about to declare, not what was the true vote for President of the United States, but to state it hypothetically. Mr. T. argued at some length against such a course. Suppose some member in joint meeting should ask the Presi-

dent of the Senate how many votes were given—he must answer in the words of the resolution, and therefore would not state the fact, according to the law. It was the duty of the two Houses to enunciate the true state of the vote for President and Vice President, and the proposed annunciation would not be the fact. He concluded by saying that he would rather that the votes of Missouri were left out altogether, than adopt the course proposed.

Mr. RANDOLPH observed that the gentleman was under some mistake on one point. The Constitution of the United States provides, not that the person having a majority of votes should be President, but a majority of the votes of the Electors appointed. Now, he desired to know whether the Electors of Missouri were appointed or not.

Mr. FLOYD said he was aware that the question to agree to the resolution was tantamount to a motion to reject, but he would prefer the latter shape for the question, to show more strongly his opinion of it—it would suit his feelings towards it better. We have been going on for several years, said he, accumulating power until scarcely any is left but in Congress. If they had any power over the votes of Missouri at all, he said, it was when her votes were first received; but no such power existed. The votes of Indiana, at the last election for President, were counted when precisely in the same situation as those of Missouri now. He protested against this assumption of authority on the part of Congress, and wished to show his disapprobation of the resolution in the strongest manner.

Mr. CLAY said the constitution required of the two Houses to assemble and perform the highest duty that could devolve on a public body—to ascertain who had been elected by the people to administer their national concerns. In a case of votes coming forward which could not be counted, the constitution was silent; but, fortunately, the end in that case carried with it the means. The two Houses were called on to enumerate the votes for President and Vice President; of course they were called on to decide what are votes. It being obvious that a difficulty would arise in the joint meeting, concerning the votes of Missouri, some gentlemen thinking they ought to be counted, and others dissenting from that opinion, the committee thought it best to prevent all difficulty by waiving the question in the manner proposed, knowing that it could not affect the result of the election. As to the condition of Missouri, he himself thought her a State, with a perfect moral right to be admitted into the Union, but kept out for the want of a ceremonious act which was deemed by others necessary to entitle her to admission. Though, in his opinion, a State in fact, yet not being so in form, her votes could not be counted according to form. He was aware that the question of her admission might come up and be decided in this very shape; for if Congress

allowed her to vote for President and Vice President, and counted her votes, it would be a full admission of the State into the Union; but the committee thought, as there were other and more usual modes of admitting the State into the Union, it was better not to bring up the question in the discharge of this solemn and indispensable duty, but to allow that ceremony to proceed, if possible, without difficulty or embarrassment.

Mr. RHEA said the constitution had in it neither waiving or elasticity, and it would not bend to circumstances or expediency. The constitution had declared the duty of Congress in ascertaining the votes for President—it was not competent for them to mend the constitution, nor to decide such a question as this proposed, and he was opposed to the resolution.

Mr. TRIMBLE said the very reason urged for this resolution, was that which constrained him to oppose it; and proceeded further to argue that it would be better to exclude the votes entirely, than set such an example.

Mr. CULBERTH said he could hardly say whether he was most gratified at being relieved, by the gentleman from Virginia, (Mr. RANDOLPH,) from being the first to make objection to the proposed resolution, or grieved that he could not have the support of the gentleman from Kentucky, with whom it had given him great pleasure usually to act. The people of Missouri were, by the act of the last session of Congress, authorized to form a constitution and State government; and, in the first article of that constitution, it is declared that the said State, when formed, “shall be admitted into the Union upon an equal footing with the original States, in all respects whatever.” Believing that the people of Missouri, having formed a constitution and State government, in compliance with the act of last session, in all its provisions and conditions, and considering that she is, in fact, a State, and of right, if not in fact, (and he inclined to believe she was in fact,) a member of the Union, and that she is kept out of the enjoyment of her rights by a sheer act of power—he spoke this in reference to the act, and not to the actors—that simple justice required her admission to the enjoyment of her rights. Mr. C. said he found, on examination of the constitution of Missouri, that all officers, civil and military, are required, before entering upon the duties of their respective offices, to take an oath to support the Constitution of the United States, as well as of that State. It is declared (I use the word *declared* emphatically) by the constitution of the said State to be the duty of the General Assembly, as soon as may be, to pass such laws as may be necessary “to prevent free negroes and mulattoes from coming to and settling in said State, under any pretext whatsoever.” This last clause is supposed by some to be repugnant to the Constitution of the United States. It is believed that a fair construction of the clause

FEBRUARY, 1821.]

Election of President and Vice President.

[H. OF R.]

referred to, taken in connection with the oath which the individual members of the General Assembly are required to take, does not warrant such a conclusion. In the spirit of candor, I ask gentlemen, said Mr. C., who entertain this opinion, what is the actual duty of the General Assembly of Missouri, resulting from the oath which they are required to take and the declaratory clause above referred to? I appeal to them as statesmen, as politicians, as common lawyers, nay, as gentlemen of common sense, whether a fair and liberal construction—whether the obvious and only fair construction that can be given to the clause objected to, will not reconcile it with the Constitution of the United States? Will it not be the duty of the General Assembly of Missouri, acting under their oath to support the Constitution of the United States, to pass no law which shall violate that oath or be repugnant to that constitution? To use the language of the gentleman from Ohio, (Mr. Ross,) on yesterday, can it be believed that they will commit perjury by the passage of such a law? [Here the Speaker reminded Mr. C. that the hour for counting the votes had arrived, and intimated the propriety of his remarks being brought to a conclusion.] Mr. C. respectfully answered that he knew of no hour appointed for any purpose in relation to the business of the House; that, under the suggestion of the honorable Speaker, as well as from a sense of propriety, he should bring his remarks to a conclusion as speedily as possible, consistent with a distinct expression of his views upon the subject before the House. It seems to me, Mr. Speaker, said Mr. C., that if gentlemen could divest themselves of all prejudices—if they were not insensibly influenced by feelings and considerations not necessarily excited by the provision in question, that they would have no difficulty in reconciling the seeming conflict between the Constitution of the United States and the so often referred to clause in the constitution of Missouri. The General Assembly of Missouri will undoubtedly feel themselves bound to perform the duty enjoined upon them by the constitution of that State, limited by the paramount authority of the Constitution of the United States, conformably to the oath which they are required to take. If they were to attempt to extend the provisions of any law beyond this limit, their act would be, so far, not only void, but, if knowingly committed, the members would be guilty of perjury. I have no more to add.

Mr. TRACY was compelled, he said, to vote against the resolution, but for reasons very different from those of Mr. CULBERTH. He was opposed to the resolution because Missouri was neither a State in the Union, nor one out of the Union; but was in fact a territory. He could not, therefore, consent that her votes should be counted at all—considering them entirely foreign to the election of President and Vice President of the United States.

Mr. CLAY said he would merely observe, that

the difficulty is before us; that we must decide it when the two Houses meet, or avoid it by some previous arrangement. The committee being morally certain that the question would arise on the votes, in joint meeting, thought it best, as he had before stated, to give it the go-by in this way. Suppose this resolution not adopted, the President of the Senate will proceed to open and count the votes; and would the House allow that officer, singly and alone, thus, virtually, to decide the question of the legality of the votes? If not, how then were they to proceed? Was it to be settled by the decision of the two Houses conjointly, or of the two Houses separately? One House would say the votes ought to be counted, the other that they ought not; and then the votes would be lost altogether. Would the gentleman from New York prefer that it be decided in the joint meeting? In that case, he would find himself in a much leaner majority than on the question yesterday. In fact, Mr. C. said, there was no mode pointed out in the constitution of settling litigated questions arising in the discharge of this duty; it was a *casus omissus*; and he thought it would be proper, either by some act of derivative legislation, or by an amendment of the constitution itself, to supply the defect.

Mr. LIVERMORE made a few remarks in favor of the resolution.

Mr. RHEA made a few remarks in opposition to the resolution. The ground he took was this: that it was not in the power of this House, or of both Houses, by resolution, to remedy a defect in the constitution.

The question on agreeing to the resolution was then decided in the affirmative—yeas 90, nays 67.

So the second resolution was agreed to.

On motion of Mr. CLAY, it was then ordered, that a message be sent to the Senate, informing that body, that this House, on its part, concurs in the report of the joint committee, and is now prepared to proceed, with the Senate, in the performance of its constitutional duty.

[Messrs. CLAY, SERGEANT, and VAN RENSSSELAER, were the committee on the part of the House of Representatives, to act with the committee of the Senate, in considering the proper mode of proceeding in regard to counting out the Electoral votes.]

Mr. EDWARDS, of North Carolina, gave notice he should, on to-morrow at twelve o'clock, offer for the consideration of the House a resolution declaring the admission of the State of Missouri into the Union, containing in all respects the same provisions as were contained in the resolution from the Senate, which was rejected in this House.

On motion of Mr. CLAY, and by general consent, it was determined that the members of this House should receive the Senate, on their entrance into the House, standing and uncovered. In the same manner it was determined that a sufficient number of the seats on the right hand

of the Chair, should be set apart for the Senators.

Mr. CLAY moved that a committee of two members be appointed to receive the Senate, and conduct the President of the Senate to the chair, and the members to the seats assigned to them.

Mr. NELSON, of Virginia, declared his opposition to this course. It had been usual for the Speaker of the House to receive the President of the Senate, and invite him to a seat beside him; and he saw no reason, at this time, for the proposed innovation.

Mr. CLAY said it was true it never had been done before; but, having, whilst he had the honor to preside over this House, witnessed the embarrassments occasioned by the want of such a regulation, he now thought it would be proper to adopt it.

The motion of Mr. CLAY was then agreed to without a division, though not without negative votes.

Mr. NELSON remarked, in an under tone, that he wished he had required the yeas and nays upon it.

Mr. CLAY and Mr. HILL, were appointed a committee accordingly.

Soon after, the Senate came into the Hall, preceded by its President, and attended by its Secretary and Sergeant-at-Arms; and the President was conducted to the Speaker's chair, the Speaker occupying a chair at his left hand.

The PRESIDENT of the Senate then delivered the votes of the States, in the following order, to the committee for counting the votes, (Mr. BARBOUR of the Senate, and Messrs. SMITH of Maryland, and SERGEANT of this House,)—and the official authentications, &c., were each of them twice read in an audible tone, and the votes recorded by the Secretary of the Senate and by the Clerk of the House of Representatives, as follows:

[The same as shown in the Senate proceedings of the corresponding day.]

The process of this ceremony was very tedious, from the length of the verifications, proclamations, &c., and the House did not arrive at this stage of it till after four o'clock.

When the votes of the Electors for Missouri were announced, by the PRESIDENT of the Senate, and handed to the tellers—

Mr. LIVERMORE, of New Hampshire, rose, and said: Mr. President and Mr. Speaker, I object to receiving any votes for President and Vice President from Missouri, because Missouri is not a State of this Union.

A motion was then made by a member of the Senate, that the Senate do now withdraw to its Chamber; and, the question having been put, was decided in the affirmative; and the Senate retired.

The House being called to order—

Mr. FLOYD, of Virginia, then rose and submitted the following resolution:

Resolved, That Missouri is one of the States of this

Union, and her votes for President and Vice President of the United States ought to be received and counted.

Mr. F. said, he believed, that gentlemen must now begin to see the precipice to which the decisions of this House in respect to Missouri had brought them. He was, as every member must be, tired of the debate on this subject; but he thought that no one could discharge his duty as he ought without investigating the merits of the question which he had now proposed. He thought it proper, also, that the yeas and nays should be recorded on every question connected with this subject. That the votes of States, whose admission into the Union had not been declared previous to the votes being given in, had heretofore been received for President and Vice President, he believed the gentleman from New Hampshire would not deny. If such a course had been right heretofore, he did not see why an objection should now be made. If innovations on established usage were to be justified by their novelty, then, indeed, all disquisitions on the subject were vain. But the time was, when members from new States were admitted to their seats in this House, without the previous passage of a declaratory resolution. That there was a law on the statute book that any territory having a population of sixty thousand souls might form a constitution and State government, and be admitted into the Union, no one would deny. Whenever we turn our eyes, said Mr. F., and observe the progress of the Government, until the present time, the States have been admitted upon this principle, until in the present case; and in this case, at the last session, a compromise, as it was thought and called, was entered into. Mr. F. hesitated to express in terms all he thought on this subject; but he would say, if he had voted for that law at the last session, and opposed now those principles which would naturally grow out of it, he should have said to himself, when he had done so, that he had done in his life one act which he thought dishonorable. Let us now, said he, have the question fairly at issue. Let us know whether Missouri be a State in the Union or not. If not, let us send her an Ambassador, and treat for her admission into the Union. Sir, we cannot take another step, without hurling this Government into the gulf of destruction. For one, I say, I have gone as far as I can go in the way of compromise—and if there is to be a compromise beyond that point, it must be at the edge of the sword.

Mr. ARCHER, of Maryland said, that entertaining the same sentiments as the gentleman from Virginia with respect to the refusal to admit Missouri into the Union, he yet felt himself bound to move, as he now did, to postpone the further consideration of this resolution indefinitely. He was opposed to this House undertaking to proceed in any manner as to the legality of the Electoral votes. He could recognize no power in the House of Representa-

FEBRUARY, 1821.]

Election of President and Vice President.

[H. OF R.]

tives on this subject separate from the Senate. The expressions in the constitution, in regard to the counting of the votes of Electors, &c., he considered as imperative. All questions arising out of it, according to his construction, must be settled in joint meeting of the two Houses. He could not agree that this House had a right to determine whether any vote should be received or rejected. What are the words of the constitution? "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." Does it not follow, asked Mr. R., that the votes must be counted in the presence of the two Houses? For what purpose do they assemble together, unless it be to determine on the legality of the votes? If not for this purpose, the joint meeting is for form and show, and nothing else. We must, in my apprehension, determine the question in joint meeting, and in no other way. Entertaining this opinion, he said he should vote for the indefinite postponement of any proposition, the object of which is to determine, in this House, the legality or illegality of any Electoral vote. At the last election of President, an objection was made by the gentleman who now presides, to receiving the votes of Indiana, because they were given in before the passage of the act declaring her admission into the Union. On that occasion, as now, the Senate retired. I thought then, as now, said Mr. A., that they had no right to retire until the question was settled. On that occasion, the House determined to postpone indefinitely the objection. The motives which induced that determination were doubtless various; it was my opinion, then, that it was improper to entertain the objection in the House, and I think the same of the present proposition.

Mr. RANDOLPH said it was not without reluctance that he offered himself to the attention of the House at this time; but he submitted to the very worthy gentleman from Maryland who had just taken his seat, whether the object which he had in view could, according to his own views of propriety, be effectuated by the course which he had recommended to this House. It was no part of his nature, Mr. R. said, nor of his purpose, to inflate to a greater magnitude this exaggerated question of the admission of Missouri into the Union. But the question had now assumed that aspect which, had it depended on him, it should have taken at an earlier period of the session. It was, he said, not only congenial with the principles and practices of our free Government, but unless he was deceived, with the practices of that country from which we had adopted, and wisely adopted, our manly institutions, that on any occasion when any person presents himself to a representative body with credentials of title to a seat, he shall take his seat, and perform the functions of a member, until a prior and a better claim shall not only be preferred, but established. It was seen that, but the day before

yesterday, the Committee of Elections of this House came forward with a report, stating that the qualifications and returns of certain members were perfect who have been acting and legislating, and on whose votes the laws of the land have depended for the last three or four months. Just so it ought to have been with regard to the Representative from the State of Missouri. She had now, said Mr. R., presented herself, for the first time, in a visible and tangible shape. She comes into this House, not *in forma pauperis*, but claiming to be one of the co-sovereignities of this confederated Government, and presents to you her vote, by receiving or rejecting which the election of your Chief Magistrate will be lawful or unlawful. He did not mean by the vote of Missouri, but by the votes of all the States. Now comes the question, whether we will not merely repel her, but repel her with scorn and contumely. *Cui bono?* And he might add, *quo warranto?* He should like to hear, he said, from the gentleman from New Hampshire, (Mr. LIVERMORE,) where this House gets its authority—he should like to hear some of the learned, or unlearned, sages of the law, with which this House, as well as all our legislative bodies, abounds, show their authority for refusing to receive the votes from Missouri. Mr. R. said he went back to the first principles. The Electoral Colleges, he said, are as independent of this House as this House is of them. They had as good a right to pronounce on their qualifications, as this House has of those of its members. Your office, said he, in regard to the electoral votes, is merely ministerial. It is to count the votes, and you undertake to reject votes. To what will this lead? Do you ever expect to see the time when there shall be in the Presidential chair a creature so poor, so imbecile, not only not worthy of being at the head of the nation, but not worthy of being at the head of a petty corporation—do you ever expect to see in that office an animal so poor as not to have in this House retainers enough to enable him to reject the vote of any State which, being counted, might prevent his continuance, and their continuance, and that of their friends, in office? He spoke not of the present incumbent—he was not so wanting in common decency and decorum as to do so—he spoke in reference not only to what is past, but to that which is prospective, and which every man who looks the least into futurity, must know will happen, and, in all probability, will very shortly happen. He undertook to say that if this House should, by a vote of indefinite postponement—for the form was immaterial—or in any other way, and it would be observed, for the first instance in the person of Missouri, of this much-injured, long-insulted, and trampled-upon member of this confederacy, was this example to be set—if, said he, you do, for the first time, now receive the votes of a State, it will be created into a precedent, and that in the lifetime of some of those who now hear me, for the manufacture

of Presidents by this House. The wisest men may make constitutions, on paper, as they please.

What, Mr. R. asked, was the theory of this constitution? It is, that this House, except upon a certain contingency, has nothing at all to do with the appointment of President and Vice President of the United States, and when it does act, must act by States, and by States only can it act on this subject, unless it transcend the limits of the constitution. What, he asked, was to be the practice of the constitution, as now proposed? That an informal meeting of this and the other House is to usurp the initiative, the nominative power, with regard to the two first officers of the Government; that they are to wrest from the people of the United States their indefeasible right of telling us whom they wish to exercise the functions of Government, in despite and contempt of their decision. Is there to be no limit to the power of Congress—no mound or barrier to stay their usurpation? Why were the electoral bodies established? The constitution has wisely provided that they shall assemble, each by itself, and not in one great assembly. By this means, assuredly, that system of intrigue which was matured into a science, or rather into an art here, was guarded against. But, Mr. R. ventured to say, that the electoral college of this much-despised Missouri, acting conformably to law, and to the genius and nature of our institutions, if it were composed of but one man, was as independent of this House as this House was of it. If, however, said he, *per fas aut nefas*, the point is to be carried; if the tocsin is to be sounded; if the troops are to be rallied, and Missouri is to be expelled with scorn from our august presence—how august, Mr. Speaker, I leave it for you to decide—there are those who will be willing to take her to their arms. And, in point of mere expediency, he would ask of gentlemen—he put the suggestion in that shape, because he believed they were inaccessible to other considerations—in point of expediency, he asked them, what were they now doing but riveting those ties by which Missouri would, he trusted, forever be bound to that section of the country by which, with whatever reason, her rights have been supported on this floor? I do look with a sentiment I cannot express, said Mr. R.—I look with a sentiment of pity—and that has been said to be nearly allied to love, as I know it to be allied to a very different emotion—I look with pity on those who believe that, by their feeble efforts in this House, governed by forms and technicalities—your Sergeant-at-Arms and committees of attendance, and mummeries such as belong to other countries where I have never travelled, and trust in God I never shall—they can stop the growth of the rising empire in the West. Let gentlemen lay a resolution on the table, let it be engrossed in a fair hand, and do you, Mr. Speaker, sign it, that the waves of the Mississippi shall not seek the ocean, and then send

your Sergeant-at-Arms to carry it into execution, and see whether you can enforce it with all the force, physical or moral, under your control. Mr. R. concluded by expressing his hope that the gentleman from Maryland would withdraw his motion for indefinite postponement.

Mr. ARCHER, of Virginia, said he believed it was pretty well ascertained that he was willing to go as great lengths as any man in this House to support the rights of Missouri. He regretted that, even in this skirmish, he was obliged to separate himself from those with whom he had acted with so much pleasure and with so much zeal. But he could not maintain, what he should do by voting for this resolution, that Missouri is now a State of this Union. Was it contended that Congress has not a right to require the submission of the constitution of a new State to its consideration before she becomes a member of the Union? If so, would any man contend that Congress had not a right to pass, in some shape or other, upon the constitution of any new State? Was there any one of his colleagues who would say, that there was no possible case in which he might not be induced to reject the constitution of Missouri? Suppose the constitution she has offered had been notoriously aristocratical, was there any man among them who would not have given his vote for the exclusion of Missouri from the confederacy? We presume not. If he were to give his vote for this resolution, Mr. A. said, he should contradict all the language he had hitherto held in respect to Missouri; for, if she was a State without the consent of Congress, she had no right to complain of oppression by the refusal of Congress to recognize her.

Mr. A. said he should continue to reprobate the odious and foul combination by which Missouri is kept out of the Union; but should he give a vote for this resolution, he should feel himself precluded from doing so. If, indeed, the case were presented, whether the member from Missouri should be admitted to a seat on this floor, he should give a vote affirmatively; for it would be tantamount to an admission of the State of Missouri into the Union. But, were he to vote for this proposition, he should vote for an evident solecism; it would be saying that, though it has been decided that Missouri shall not be admitted into the Union, yet she shall exercise the highest functions of a member of the Confederacy. Mr. A. said he could not hold that language, or present himself in that character. Opposed in general to postponements, he should vote against the proposed postponement, in order to meet the question directly. He had no notion, he added, of the doctrine which he had heard for the first time to-day, that you may have a problematical or hypothetical election of a President and Vice President. Suppose the result of the election depended on the votes of Missouri, and the same course was to be pursued which was now indicated; the President of the Senate would have to announce that, in one event, we had a

FEBRUARY, 1821.]

Election of President and Vice President.

[H. OF R.]

President, whilst in another we had not, and the Government would be left without a head, and a dissolution of the Union would be the possible immediate consequence. He was a little surprised, he said, at one ground which had been taken on this occasion: that the House had no power to pass any judgment on any return. He had always thought that, wherever was lodged the power to receive a return, there also was the power to pass a judgment on the validity of that return. Suppose any territory, not within the limits of the United States at the time, Florida, for example, to send votes here for Electors; was there no authority by which these votes could be rejected? Suppose a State entitled to 27 votes, should send 37 votes, would any gentleman contend that there was no power in this House to judge of the proper number? Could there ever be a pure election—could it ever be ascertained who was elected, in the event of the establishment of a doctrine of that sort? Mr. A. concluded by declaring his readiness to adopt any measure to bring Missouri, now trampled down by power, into the Union, but he could not vote for this resolution.

Mr. CLAY next obtained the floor, but gave way to allow Mr. RANDOLPH to make an explanation.

Mr. RANDOLPH said, it was highly probable that the few remarks which he had made might give rise to misapprehensions in the minds of other gentlemen, as they had done in the mind of his colleague. He, therefore, wished to explain. His position, he said, was misunderstood. It had been said, and pertinently said, that Missouri might be admitted into the Union in more ways than one. His position, then, was, that this is the first instance in which Missouri has knocked at the door and demanded her rights. It is now for us, said Mr. R., by permitting her to come in, or rather by refraining from extruding her from this Hall, to determine whether she shall now be one of our Commonwealth, or, as the fashion is to call it, of our Empire. Mr. R. said he had no doubt that Congress might drive Missouri into the wilderness, like another son of Hagar. If we do, said he, we drive her at our own peril. If either of the worthy Senators and Representative from Missouri, whose long forbearance had excited surprise in no man's breast more than in that of Mr. R.—he did not mean to blame them for pursuing the counsel of cooler heads than his—had presented themselves here, would you (addressing the Speaker) have felt yourself bound to exclude them from the communion with more than papal power; not only from the cup of wine, but from the bread of life itself? Let me tell my friend before me, (Mr. ARCHER), we have not the power which he seems to think we possess; and if this be a *casus omnisus* in the constitution, I want to know where we acquire the power to supply the defect. You may keep Missouri out of the Union by violence, but here

the issue is joined. She comes forward in the person of her Presidential and Vice Presidential Electors, instead of that of her Representative; and she was thus presented in a shape as unquestionable as that of New York, Pennsylvania, Massachusetts, or the proudest and oldest State in the Union. She comes forward by her attorneys—her Electors. Will you deny them admittance? Will you thrust her Electors, and hers only, from this Hall? Mr. R. said his friend had not given to this subject the sort of consideration which he knew him to be capable of giving it. I made no objection, said Mr. R., to the votes of New Hampshire, Maine, or Vermont: I have had as good a right to object to the votes of New Hampshire, as the gentleman from New Hampshire has to object to the votes of Missouri. Who made thou, Cain, thy brother's keeper? Who put Missouri into custody of the honorable gentleman from New Hampshire? The Electors of Missouri are as much *homines probi et legales* as the Electors of New Hampshire. This, Mr. R. said, was no skirmish, as it had been called. This was the battle when Greek meets Greek; it was a conflict not to be decided between the phalanx and the legion, whether the impenetrability of the one or the activity of the other shall prevail. Let us buckle on our armor, said Mr. R.; let us put aside all this flummery, these metaphysical distinctions, these legal technicalities, these special pleadings, this dry minuteness, this unprofitable drawing of distinctions without difference; let us say now, as we have said on another occasion, we will assert, maintain, and vindicate our rights, or put to every hazard what you pretend to hold in such high estimation.

Mr. R. said he recollected perfectly well, in the celebrated election of Thomas Jefferson and Aaron Burr—they live, said he, illustrious examples of the merits of their respective partisans—what were we then told? Why, that we must withdraw our opposition, or there would be no election; that a dissolution of the Union impended; that volcanoes began to play; that earthquakes yawned beneath us; and, recollect, sir, we had a President in the chair who had a majority in this House, small as it was. He treated the idea of giving way with derision and scorn. We said we will not give way, and you must take the consequences. We appealed, said Mr. R., to the good sense of the nation; and I do now appeal to this nation, said he, whether this pretended sympathy for the rights of free negroes and mulattoes is to supersede the rights of the free white citizens of ten times their whole number. They gave way, sir, said Mr. R.; the sheep is the most timid and helpless of all animals; it retreats before any attack is offered to it. The President of the United States, said Mr. R., possesses great powers and highly responsible functions, and should be looked up to with veneration and deference, because he is the Chief Magistrate of a people, legally appointed by their suffrages. But a

President of the United States, appointed by the exclusion of the votes of those who are the same flesh and blood as ourselves—for the people of Missouri are not natives of Missouri, with the exception of a few French and still fewer Spaniards—is no more the Chief Magistrate of the country than that thing—that pageant, which the majorities of the two Houses proposed to set up just twenty years ago—a President made by law—no, by the form and color of law, against the principles of the constitution, and in violation of the rights of the freemen of this country. Sir, said Mr. R., I would not give a button for him. On his personal account, and for his personal qualities, I might treat him with respect as an individual, but as Chief Magistrate of this country, he would be more odious to my judgment than one of the house of Stuart attempting to seat himself on the throne of England, in defiance of the laws of succession and of the opinion of the people. We have, I am afraid, so long basked in the impure atmosphere, not of this House, but of this Court, that—

Mr. CLAY here claimed the floor, which he had yielded to the gentleman only for the purpose of making an explanation.

Mr. RANDOLPH took his seat, saying that he would give way to the honorable gentleman in every thing but one.

Mr. CLAY said he really saw no difficulty in this business; and, before he sat down, should make a motion, with a view to put an end to this discussion. The House and Senate have, by a joint act, this day agreed, that, in the event of an objection being made to the vote of Missouri, her vote should be counted hypothetically; that the whole number should be announced, including the vote of Missouri, and that the number should also be stated as it would be, the vote of Missouri being excluded; and, the result not varying, that it should be declared that, in either case, the person having the largest number of votes was duly elected. The motive which operated on the joint committee in recommending this course, and on the two Houses in adopting it, was to avoid the very difficulty into which the House was about to precipitate itself. It was an effort to provide, by previous arrangement, for the very contingency which has arisen. The moment the objection was made, in that instant the rule adopted this morning took effect. Mr. C. said it therefore appeared to him, with very great deference to the course of the presiding officer of the Senate, that he ought to have gone on, and, after the votes had been summed up, to have made the annunciation as proposed in the joint resolution adopted this morning.

The two Houses ought not, in the opinion of Mr. C., to have separated until they had consummated what had been stipulated for. He was now not willing to take up any proposition on this subject or any other, however unwilling he might have been to meet it at any other time. He was opposed to do so, because to do

so is a violation of good faith between the two Houses, as pledged by the arrangement of this morning. He had not a doubt, he said, that Missouri might be admitted into the Union in a variety of ways, and very possibly, on proper examination, the mode now proposed might be one of them, by the two Houses, jointly or separately, giving her the exercise of a right which, as a State, would belong to her. The House, however, as well as the Senate, had virtually determined to get round that question to-day, and to put an end to any controversy which might arise in respect to it, in the manner contemplated by the second resolution passed this morning. Mr. C. therefore moved that the subject now under consideration be laid on the table, in order to resume the business which had been interrupted by the retirement of the Senate.

Mr. STORRS demanded the reading of the first resolution which passed this House, as compared with that which passed the Senate.

[Here took place an explanation of a variation which had taken place in the form of the resolve. As it came from the Senate the President of the Senate was to preside over the joint meeting. As reported by the committee on the part of this House the President of the Senate was to preside over the Senate, and the Speaker was to preside over the House of Representatives. This alteration was made, because it was known that the House of Representatives would not have agreed to the other course, and a collision might have arisen between the two Houses. It may be added, that the Senate were not aware, when they came into the Hall, of the change of the arrangement, but supposed it to stand, as they had voted it. Their retirement from the Chamber arose from the President of the Senate having learned these facts after he was seated in his place in the Hall. He would otherwise, it is supposed, have gone on to proclaim the result, immediately after Mr. LIVERMORE's objection, as prescribed in the resolution.]

Some conversation took place between Messrs. SMITH of Maryland, CLAY, RANDOLPH, NELSON of Virginia, FOOT, and COBB, as to the state in which matters would be, on the Senate's return. Some of the gentlemen contended that, on the Senate's return, matters would stand just as they did before, and the same difficulty as had already presented itself would again arise. Others contended, and the majority appeared to be with them, that, on the return of the Senate, the President would go on to declare the result, as directed in the second joint resolution of this morning.

The question was taken on Mr. CLAY's motion to lay Mr. FLOYD's resolution on the table, and decided in the affirmative, ayes 103. And then, on motion of Mr. Clay, it was ordered, that a message be sent to the Senate to inform that body that the House is now ready to receive the Senate in the Chamber of the House of Representatives, for the purpose of continu-

FEBRUARY, 1821.]

Election of President and Vice President.

[H. OF R.]

ing the enumeration of the votes of the Electors for President and Vice President, according to the joint resolutions agreed upon between the two Houses; and that the Clerk go with the said message.

The Clerk accordingly went with the said message; and he being returned—

The Senate again appeared, and took seats in the House as before.

The President of the Senate, in the presence of both Houses, proceeded to open the certificate of the Electors of the State of Missouri, which he delivered to the tellers, by whom it was read, and who registered the same.

And the votes of all the States having been thus counted, registered, and the list thereof compared, they were delivered to the President of the Senate, by whom they were read, as already printed.

The President of the Senate then, in pursuance of the resolution adopted by the two Houses, proceeded to announce the state of the votes to the two Houses of Congress, in joint meeting assembled, as follows:

"Were the votes of Missouri to be counted, the result would be—For JAMES MONROE, of Virginia, for President of the United States, 231 votes: if not counted, for JAMES MONROE, of Virginia, 228 votes:—For DANIEL D. TOMPKINS, of New York, for Vice President of the United States, 218 votes: if not counted, for DANIEL D. TOMPKINS, of New York, for Vice President of the United States, 215 votes. But in either event, JAMES MONROE, of Virginia, has a majority of the votes of the whole number of Electors for President, and DANIEL D. TOMPKINS, of New York, has a majority of the votes of the whole number of Electors for Vice President of the United States."

The President of the Senate had proceeded thus far, or nearly thus far, in the proclamation, when Mr. FLOYD, of Virginia, addressed the Chair, and inquired whether the votes of Missouri were or were not counted.

Cries of Order! Order! were so loud as to drown Mr. FLOYD's voice.

[The President of the Senate had hesitated in the proclamation, on Mr. FLOYD addressing the Chair.]

Mr. RANDOLPH rose, and was addressing the Chair, when loud cries of Order! Order! resounded from many voices.

The SPEAKER pronounced Mr. RANDOLPH to be out of order, and invited him to take his seat.

Mr. BRUSH demanded that Mr. RANDOLPH should be allowed to proceed, and declared his determination to sustain his right to do so. Mr. B. was also loudly called to order.

Mr. FLOYD demanded of the Chair whether he was considered in order or not.

The SPEAKER determined that he was not in order at this time, the only business being at that present time that prescribed by the rule of this morning.

There was considerable murmuring at this decision; but order was restored; when the

President of the Senate concluded his announcement as follows:

"I therefore declare that JAMES MONROE, of Virginia, is duly elected President of the United States, for four years, to commence on the fourth day of March, 1821; and that DANIEL D. TOMPKINS, of New York, is duly elected Vice President of the United States, for the like term of four years, to commence on the said fourth day of March, 1821."

As the President concluded—

Mr. RANDOLPH addressed the Chair; but was required to take his seat.

On motion by a member of the Senate, the Senate retired from the hall.

After they retired, and the House being called to order—

Mr. RANDOLPH, who had still retained the floor, was heard addressing the Chair. He spoke for some time, without being distinctly heard, owing to the confusion in the hall. He had, he said, seen every election of President of the United States, except that of the present Chief Magistrate, and he had never before heard any other form of proclamation than that such was the *whole* number of votes given in; that such a person, A or B, had so many, and was therefore elected President or Vice President of the United States. On this occasion no such announcement had been made, and the presiding officer might just as well have said that James Claxton or Thomas Dunn was elected President of the United States. Were gentlemen to be put down by clamor and by force here for getting up to assert, not only their rights, but the rights of the whole people of the United States? Sir, said he, your election is vitiated; you have finched from the question; you have attempted to evade the decision of that which was essential to the determination of who is and who is not elected Chief Magistrate of the United States. Mr. R. concluded his remarks by moving resolutions declaring the election to be illegal, &c. They were as follows:

1. *Resolved*, That the electoral votes of the State of Missouri have this day been counted, and do constitute a part of the majority of two hundred and thirty-one votes given for President, and of two hundred and eighteen votes given for Vice President.

2. *Resolved*, That the whole number of Electors appointed, and of votes given for President and Vice President, has not been announced by the presiding officer of the Senate and House of Representatives, agreeably to the provision of the Constitution of the United States, and that therefore the proceeding has been irregular and illegal.

Whilst Mr. R. was reducing his motion to writing, several gentlemen claimed the floor.

The SPEAKER determined that Mr. LATHROP was entitled to it; and Mr. L. moved to adjourn.

Mr. FLOYD claimed the right of the floor, as rising first, and demanded to be heard.

The SPEAKER affirmed Mr. LATHROP's right.

Mr. FLOYD was about appealing from the decision of the Chair, but did not.

Mr. RINGGOLD having demanded the yeas and nays on the question of adjournment, the question was taken accordingly—yeas 95, nays 50.

THURSDAY, February 15.

Admission of Missouri—Proposition of Mr. Clark, of New York.

Mr. CLARK, of New York, submitted the following motion, accompanying it with some remarks in support of it:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That Missouri shall be admitted into this Union on an equal footing with the original States, in all respects whatsoever, on the first Monday in December next: *Provided*, That, previous to the said first Monday in December next, Missouri shall have expunged from her constitution the following clause, to wit: "It shall be the duty of the Legislature, as soon as may be, to pass laws to prevent free negroes and mulattoes from coming to or settling in this State, under any pretext whatever." And that on said day, certified copies of said constitution, so amended, shall be delivered to the President of the Senate and Speaker of the House of Representatives of the United States.

On the question to proceed to the consideration of this resolution, it was decided in the affirmative, by a vote of 60 to 46.

Mr. CLARK, not desiring the resolution to be acted on to-day, moved to lay it on the table; and the motion was agreed to—ayes 73.

Bounty to Fishing Vessels.

The House then, on motion of Mr. McLEAN, proceeded to the consideration of the resolution submitted by him some time ago, viz:

Resolved, That the Secretary of the Treasury be directed to communicate to this House a statement of the bounties and allowances paid to fishing vessels each year, from the commencement of the Government to the present time.

Mr. NELSON, of Massachusetts, moved to amend the same by adding thereto the following:

"And of the quantity of salt imported annually, and not re-exported with benefit of drawback; also the amount of duty annually collected on the same during the period aforesaid."

This motion to amend was negatived by a small majority.

Mr. NELSON, of Massachusetts, then moved to amend Mr. McLEAN's motion by adding thereto the following:

"And of the quantity of salt annually imported into each State, and not re-exported with benefit of drawback; also, the amount of duty annually collected on the same in each State during the time aforesaid."

This amendment was agreed to; and the resolution, as amended, was then adopted, as follows:

Resolved, That the Secretary of the Treasury be directed to communicate to this House a statement

of the bounties and allowances paid to fishing vessels in each year, from the commencement of the Government to the present time; and of the quantity of salt annually imported into each State, and not re-exported with benefit of drawback; also, the amount of duty annually collected on the same, in each State, during the time aforesaid.

The Slave Trade and Emancipation.

Mr. MEXES, of New York, rose for the purpose of calling the attention of the House to certain resolutions which he had the honor of submitting to its consideration at the last session of Congress. These resolutions related to the subject of slavery. He had, he said, somewhat modified the resolutions offered at the last session, and would now read them to the House before he proceeded further to explain his views in relation to them. He was aware that, on the first mention of this subject, unpleasant feelings might be excited in one part of the House, but he trusted, on examination of the proposed plan, it would appear less objectionable than was believed; and he ardently hoped, indeed, that ultimately it might be found the means of closing forever, by one of the most glorious acts of legislation that ever proceeded from any legislative body, the growing controversy between the North and South, acknowledged on all hands to be of a most serious and alarming nature. [Mr. M. read his resolutions, as below.] When, he said, it was considered that, in the certain increase of our population, doubling in twenty-five years, we should see, in half a century, not less than forty millions of people in the United States, of which perhaps twenty would be inhabitants of the vast countries beyond the Mississippi, we cannot fail to admit that the five hundred millions of acres, contemplated to be devoted as a fund for the emancipation of slaves, will have had a value more than competent to the redemption and colonization of all such of our slave population as it shall be found expedient or desirable to part with. Let me endeavor, said he, to show in a few words the practical operation of this fund. Suppose the lands, intended to constitute this fund, to be surveyed into the usual sections and quarter sections, and numbered; that the alternate numbered portions be sold for certificates of the value of slaves; that the intermediate portions be disposed of only for cash; that the certificates of value of slaves be furnished in the following manner: whenever the owner of slaves is willing to part with them, let him make application to the district judge of the district, who, with the marshal of the district, shall, together with the owner and some discreet person appointed on his part, ascertain the value of the slaves proposed to be emancipated; that, when such valuation is made, it shall be at the option of the owner finally to accede to it; that, on his consent, the district judge shall deliver to him a certificate of such valuation, which shall be receivable only in payment for the alternate sections of

FEBRUARY, 1821.]

Death of William A. Burwell.

[H. OF R.]

which I have spoken. Then, will it not be apparent, that, if such alternate sections are purchased with such certificates, the intermediate portions will acquire a value which will command sufficient sums of money to defray the expenses of colonization? Will not this operation proceed *pari passu*? Mr. M. said he had witnessed, with constant anxiety, the progress of the great controversy which now agitates us, and had, from the beginning of his career, as a member of this House, determined, if it should become necessary, to devote himself a sacrifice for the great object, if possible, of keeping the two great parties in peace. I do not know, said he, whether I have made such a sacrifice. It is probable I have, by the well-known course which I have pursued upon this subject. But, sir, if indeed I have lost the confidence of those whom I represent, I will, before I leave my present station, at least make one effort for the purpose of uniting the parties by the only measure which appears to me to be calculated to unite them; one, too, in which both may participate, and in which they will, as I repeat, perform one of the most noble acts of legislation; one which I would not exchange for all the laws on our statute books from 1789 to this day. I have even indulged what may be considered an extremely romantic opinion, that the original plan of Las Casas,* of preventing the destruction of the Indian race by supplying their place with the hardy natives of Africa, may yet terminate in restoring to Africa, from the pressure of the great necessity which we feel on the subject, her long estranged children, with the first principles of the Christian religion and of education, so that Africa, long benighted, may assume a respectable rank among the

* Bartholomew de Las Casas, Bishop of Chiapa, and Apostle of Indian Humanity. The labors of his life, in behalf of the Indians of the New World, gained him the philanthropic title by which he has been distinguished; and well they might, for these labors were great, and long-disinterested, and full of toil and danger. Born a noble, (at Seville, Spain, 1574,) he embraced the ecclesiastical profession at the age of nineteen, that he might devote himself to missionary labors in behalf of a people whose oppressions he had seen in a visit with his father to San Domingo. What he began in youthful ardor was continued with undiminished zeal to the end of his life. Fifty years he spent in preaching the gospel to the natives and humanity to their oppressors. Twelve times he crossed the ocean, to plead at the foot of the Spanish throne, the cause of the wretched Indians, perishing under the labor of the mines, and the severity of their treatment. Consoling the oppressed, devising schemes for their relief, and struggling against the oppressor, was the fifty years labor of his existence. History attributes to him the origin of African slavery in the New World—a scheme to relieve the Indian from labor in the mines by putting the African into his place. If so, it is one of the instances—an eminent one—of how much evil a mistaken philanthropy can do, absorbed by one thought, and blind to the consequences of gratifying it. But the memory of the good bishop has found defenders from that reproach, and the friends of benevolence would wish it untrue.

people of the world. Mr. M. then submitted the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of devoting five hundred millions acres of public lands next west of the Mississippi, as a fund for the purpose of, in the first place, employing a naval force, competent to the annihilation of the slave trade. Secondly, the gradual emancipation of slaves, by a voluntary exchange of the lands for them; and, lastly, colonizing such emancipated slaves in such way as may be conducive to their happiness in their original country, Africa: *Provided*, That no such exchange of lands for slaves shall ever be suffered or allowed, except upon the perfectly ascertained consent of such slaves, to be colonized in Africa: *And provided, also*, That, wherever such exchanges are, or shall be made, no separation of husband and wife, or parent and child, shall be permitted contrary to their well-ascertained consent.

The question on proceeding to consider the resolution was decided in the affirmative—68 to 50 votes.

Mr. CLARK, of New York, moved to lay the resolution on the table.

The question on laying the resolution on the table was decided in the affirmative—66 to 55.

FRIDAY, February 16.

In calling over the States for the reception of petitions, when petitions were called for from Tennessee—

Mr. JONES, of Tennessee, rose, and said that, from the commencement of the session, he had discovered that the presiding officer of the House had, in his call for petitions from the States, uniformly called for petitions from "the delegate from Missouri;" when, in his opinion, there was no such personage in this House, and therefore moved a discontinuance of such call.

Mr. SPEAKER declared such motion out of order at this time, and Mr. JONES reluctantly gave way, apparently with an intention to renew the proposition when it should be in order.

Death of William A. Burwell.

Mr. NELSON, of Virginia, then announced the death of WILLIAM A. BURWELL, a member of this House from that State: Whereupon,

Resolved, unanimously, That a committee be appointed to take order for superintending the funeral of WILLIAM A. BURWELL, deceased, late Representative from the State of Virginia.

Mr. NELSON, Mr. RANDOLPH, Mr. NEWTON, Mr. MCCOY, Mr. BARBOUR, Mr. TYLER, and Mr. ALEXANDER SMYTH, were appointed the said committee.

Resolved, unanimously, That the members of this House will testify their respect for the memory of William A. Burwell, late one of their body, by wearing crape on the left arm for the remainder of the session.

Resolved, unanimously, That the members will at-

H. of R.]

Admission of Missouri.

[FEBRUARY, 1831.]

tend the funeral of the late William A. Burwell, to-morrow at 10 o'clock.

Ordered, That a message be sent to the Senate to notify them of the death of WILLIAM A. BURWELL, late a member of this House, and that his funeral will take place to-morrow, at 10 o'clock, A. M.

Mr. NELSON informed the House that it was the wish of the deceased to be interred in the city of Baltimore, and the attendance of the members on the funeral would not be required beyond the lines of the city.

And the House adjourned to 10 o'clock to-morrow morning.

SATURDAY, February 17.

The House met, and, together with the Senate, attended the funeral of the late WILLIAM A. BURWELL, in the manner recommended by the Committee of Arrangements appointed for that purpose; and, having returned to their Chamber, on motion—

The House adjourned to Monday.

MONDAY, February 19.

Spanish American Republics.

Mr. CLAY, from the committee appointed to present to the President of the United States the resolution adopted by this House on the 10th instant, in relation to the contest now carrying on between Spain and her South American Colonies, reported—

That the committee had according to order presented the resolution to the President; that the President assured the committee that, in common with the people of the United States and the House of Representatives, he felt great interest in the success of the provinces of Spanish America which are struggling to establish their freedom and independence; and that he would take the resolution into deliberate consideration, with the most perfect respect for the distinguished body from which it had emanated.

WEDNESDAY, February 21.

Missouri—Proposed Repeal of the Compromise because the State was not Admitted.

Mr. BROWN, of Kentucky, submitted for consideration the following resolution:

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of repealing the 8th section of the act of Congress, approved March 6, 1820, entitled "An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States, and to prohibit slavery in certain Territories;" said 8th section imposing a prohibition and restriction upon the introduction of slaves in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36

degrees 30 minutes north latitude, not included in the State contemplated by that act.

On submitting the resolution, Mr. BROWN addressed the Chair, as follows:

Mr. Speaker: I rise, with unfeigned reluctance, to present to the consideration of this honorable body the resolution which I hold in my hand, with a concise statement of the views upon which it is founded. Nothing short, sir, of an imperative sense of duty would have influenced me, at this late day of the session, to have consumed one moment of that time which has become so important to the interest of this nation. I have been emboldened to ask your pardon, and that of the honorable body over which you preside, from a reflection that a few days more will close my Congressional labors, probably forever, and that, up to this period, I have been sparing of your time, and do not expect again, while I remain on the floor, to ask your indulgence.

Before I advance to the investigation of the merits of the resolution, I owe it to my colleague, (Mr. CLAY,) who is also my friend and messmate, to explain why, having communicated to several others my design of proposing this resolution, I have carefully avoided mentioning the subject to him, though in daily habits of intimacy, and although I have no friend, living, whose approbation I more highly prize. My mind has been made up, after much reflection upon the purpose of this resolution, so soon as it should be decided that Missouri was not to be admitted into the Union; that decision has already taken place, and there is not, apparent to me, any reasonable ground for expecting its reversal here. My colleague, (Mr. CLAY,) who has labored arduously and zealously to settle this question, and tranquillize the Union, is not willing yet to despair; he indulges the hope that something may still be done. Had I communicated my design to him, I thought it likely that he might advise the withholding it, yet longer; and admonished and determined against further delay, by a recollection of the early close of my privilege on this floor, and the still earlier day at which circumstances required me to leave it, I have thought it better to proceed, without the possible approbation of my colleague, than against his probable advice.

But, Mr. Speaker, there is a peculiar aptness between the subject which I propose for your consideration and the remnant of the session; let it be recollected, that two sessions have been wasted away in the fruitless discussion of propositions relating to Missouri; all parts of the United States and all classes of your citizens have suffered and groaned, without that legislative aid which was required by their wants, and called for by their petitions; while you have denied them your attention, and even withheld from them your sympathy. Sir, there exists a further objection to this untimely effort to despatch the important business of the nation;

FEBRUARY, 1821.]

Admission of Missouri.

[H. OF R.]

nearly an equal half of this House, from the South and West, feel themselves and their constituents deeply aggrieved; they cannot bend and confine their attention, at this late hour, to new and important subjects, called for by those who have, with apparent unconcern, set at naught their rights, their interests, and their feelings; and, if stoical enough to do so, they should recollect the frailty of humanity, and avoid temptation. Sir, with me, (I cannot dissemble,) the salt of legislation has lost its savor. The subject I propose is one rendered just and necessary by the result of the legislation of almost the whole preceding part of this Congress: I mean your refusal to admit Missouri into the Union. I do not believe the few remaining days of the session can be better employed than in adapting the laws and measures of this Government to the extraordinary crisis, at which we have at length arrived.

Mr. Speaker, you will perceive that the same act of Congress which contains the clause authorizing the people of Missouri to form a constitution and State government, contains also the clause which I now propose to repeal. The history of that act is better known in this Hall, than it is out of it; and as it has become important that it should be fully understood by the nation, although I referred to it on a former occasion, while addressing the House, it seems so necessary to a clear comprehension of my proposition, that I must entreat your patience, while I again make a statement of the facts. I appreciate the indulgence shown me, and will be as concise and rapid as possible.

I now, sir, proceed to make the statement upon which my resolution is predicated, and I invite the correction of gentlemen who may believe me in any degree incorrect. Upon the motion of the present honorable Speaker of this House, who was also the mover of the restriction, a committee was raised early in the last session, upon the subject of the contemplated restriction on Missouri, for the avowed purpose of compromising and allaying a subject which even then, in the cradle, gave indications of its being an infant Hercules: and I will do the honorable Speaker the justice to say, that I do not believe he would have proposed a mode or suggested a principle by which this affair should be settled, that he did not believe consistent with the dictates of morality and reason. The committee thus raised did not disagree upon principles, but upon lines of longitude and latitude. All were willing for a compromise, but the position of the lines presented insuperable difficulties, and the committee, on their application, was discharged. The bill preparatory to the admission of Missouri passed the House of Representatives with a restriction, and was reported to the Senate; the Senate had a bill before them for the admission of Maine into the Union: Maine was on the extreme eastern, Missouri on the extreme western limb of the United States. Maine was called for by the non-slaveholding States of the North and East; Missouri,

by the slaveholding States of South and West; the East was jealous of the growth and power of the West, which excited alarm and jealousy in the West: Maine in the east was to be admitted without restrictions; Missouri in the west claimed the same exemption from the intrusion of the General Government: to calm these jealousies, allay these fears, and at the same time to do equal justice to the East and West, the Senate determined that Maine and Missouri should, by the same act, and at the same instant, pass the threshold into the Union; and that each should enter, equally unfettered by restriction. This was just and wise, and did honor to the calm and well-balanced minds of that venerable body. The bill from the House of Representatives preparatory to the admission of Missouri, being thus amended by the Senate, was reported to the House; the House disagreed; the Senate insisted; the House rejected; a committee of conference was appointed to settle, if possible, these differences between the two branches of Congress and the friends of Maine and Missouri. The joint committee, after much anxious deliberation, came to a settlement, satisfactory to a large majority of Congress, and to a much larger proportion of this nation; the friends of Missouri having agreed that Maine, unfettered, should be admitted forthwith into the Union; and having reluctantly consented to the imposition of a restriction upon the territory west of Missouri. Those who opposed Missouri agreed to withdraw their opposition, and to consent to her admission without restriction. When I speak of the parties agreeing to propositions, I do not intend to be understood that every person agreed, but a sufficient number to constitute a majority, and to carry their arrangement through Congress. The terms of the compromise being thus well understood and agreed upon, the bill for the admission of Maine into the Union immediately passed; and this bill also passed authorizing Missouri to form a constitution and State government without restriction, and containing upon its face a stipulation that she should be admitted into the Union upon the footing of the original States; which bill also imposed the restriction upon the territory, which restriction I now contend should be repealed. Missouri assembled her convention, and formed her constitution, laid down, according to the practice of other States, the territorial government, and put into full operation her State government: she chose her Representative and Senators, who, under the faith of this law, presented her constitution, and asked admittance into the Union. They have been unjustly and unkindly rejected; and the attempt has been renewed to impose upon her the odious restriction, bought off at the last session; and, what would seem almost incredible, none can have been more zealous to produce her rejection than the Representatives, with a single exception, from this very State of Maine, who could not have been upon this floor at this time, or probably in all after time, but for the com-

H. of R.]

Missouri—Mr. Clay's Motion for a Grand Joint Committee.

[FEBRUARY, 1821.]

promise; for Massachusetts, whose consent was indispensable to the emancipation of Maine, had cautiously given it with a limitation, which would have run out in a day or two after the compromise and her admission; and it was represented here to be very doubtful whether Massachusetts would ever afterwards have again yielded her consent. To the honor of Maine, her Senators (Holmes and Chandler) and one of her Representatives (Shaw*) have preserved good faith, and have contended and voted for the admission of Missouri, and the fulfilment of the terms of compromise, with such modification of her constitution as obviated the objectionable feature.

Now, Mr. Speaker, upon the principles of eternal justice which govern the intercourse and contracts of individuals, and the negotiation and compacts of communities, states, and nations, I demand of Congress, not for myself, but for one-half of the United States, the repeal of this restriction upon the territory west and north of Missouri. The consideration promised for this restriction has not been paid; the plighted faith of Congress for the admission of Missouri has been violated; then take off, at least, the restriction. Give us Missouri without restriction, or place us in the same situation, by taking it off of the territory, in which we were when you entered into the covenant, and gave us the solemn pledge of a law to do so. Sir, the course of the majority can be justified by no principle of reason or sound policy, but must rest, for its support, upon the antiquated doctrines of schoolmen and casuists, of pious fraud; the end sanctifying the means; of doing evil that good may come of it; which, though they have received the reprobation of true moralists, may find a place in the new code of ethics, likely to grow out of these times.

Mr. B. having concluded—

The preliminary question was put—"Will the House now proceed to consider this resolution?" It was decided in the negative—79 votes to 43. So the resolution lies on the table.

THURSDAY, February 22.

The bill from the Senate, entitled "An act further to establish the compensation of the officers employed in the collection of duties on imports and tonnage, and for other purposes," was read twice, and referred to the Committee on Commerce.

An engrossed resolution providing for jails, in certain cases, for the safe custody of persons committed under the authority of the United States, was read the third time, and passed.

On motion of Mr. COCKE,

Resolved, that this House will, at 12 o'clock on Monday next, proceed to ballot for a printer to execute its work during the next Congress, according to the provisions of the "resolution

directing the manner in which the printing of Congress shall be executed, fixing the prices thereof, and providing for the appointment of a printer, or printers," passed on the 3d day of March, 1819.

Mr. CROWELL moved that the several orders of the day which precede the bill from the Senate, entitled "An act for the relief of purchasers of public lands prior to the 1st of July, 1820," be postponed, for the purpose of taking the said bill into consideration.

And the question being taken thereon, it was decided in the negative.

On motion of Mr. SMITH, of Maryland, the orders of the day which precede the bill making appropriations for the naval service of the United States, were postponed until to-morrow.

Ratification of the Treaty of 1819 with Spain.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

The Treaty of Amity, Settlement, and Limits, between the United States and Spain, signed on the 22d of February, 1819, having been ratified by the contracting parties, and the ratifications having been exchanged, it is herewith communicated to Congress, that such legislative measures may be taken as they shall judge proper, for carrying the same into execution.

JAMES MONROË.

WASHINGTON, February 22, 1821.

The Message was read, and, together with the Treaty, referred to the Committee on Foreign Affairs.

Missouri—Mr. Clay's Motion for a Grand Joint Committee.

Mr. CLAY then rose to make his expected motion respecting Missouri, which was in the following shape:

Resolved, That a committee be appointed, on the part of this House, jointly with such committee as may be appointed on the part of the Senate, to consider and report to the Senate and to the House, respectively, whether it be expedient or not to make provision for the admission of Missouri into the Union on the same footing as the original States, and for the due execution of the laws of the United States, within Missouri; and, if not, whether any other, and what provision, adapted to her actual condition, ought to be made by law.

On this motion there took place a debate of about one hour's length.

Mr. FLOYD moved to amend the same by striking out these words, viz: "and if not, whether any other and what provision adapted to her actual condition ought to be made by law."

And the question being taken so to amend, it was determined in the negative.

The question was then taken to agree to the resolution, and passed in the affirmative, yeas 101, nays 55.

On motion of Mr. CLAY, it was ordered that

* When this question was again revived, and Missouri admitted, Mr. Hill, of Maine, voted for her admission.

FEBRUARY, 1821.]

Public Land Debt.

[H. OF R.]

the said committee consist of twenty-three members; and that they be elected by ballot, pursuant to the rules and orders of the House.

Mr. RANDOLPH then moved that one member of the said committee be chosen from each State; which being negatived,

Mr. CLAY moved that the House do now proceed to the said election.

Mr. ALLEN, of Massachusetts, moved that the House proceed to the election to-morrow at 12 o'clock.

Mr. TRACY moved that the House proceed to the election on Monday next, at 12 o'clock.

This latter motion being rejected, the question was taken on the motion to proceed to the election to-morrow at 12 o'clock, and passed in the affirmative.

FRIDAY, February 23.

Public Land Debt.

The House then, on motion of Mr. CROWELL, again resolved itself into a Committee of the Whole on the bill for the relief of purchasers of the public lands prior to the 1st of July, 1820.

Mr. MCCOY had moved to strike out so much of the bill as permits a conditional surrender to the United States of the land purchased; so much as dispenses with interest on the money due for lands; and so much as makes a deduction, in certain cases, of twenty-five and thirty-seven and a half per cent. from the amount of the debt.

This motion gave rise to a wide debate on the merits of the bill, in the course of which the principle of the bill was supported and opposed by the following gentlemen: For the bill—Messrs. ANDERSON, BRUSH, HENDRICKS, JONES, and CLAY. Against the bill—Messrs. HARDIN, CULPEPER, ALLEN of Tennessee, and MCCOY.

Mr. ALLEN, of Tennessee, said: The argument so much relied upon by the friends of the bill, that the Government is the creditor, and ought not to exercise that rigor in exacting compliance with contracts ruinous to her debtors that individuals would, because it is the common stock of all, as well as that urged on account of the depreciation of certain bank paper that will not pay the holder's debts without a discount equal to the reduction contemplated in the second section of the bill, would apply with force if the whole community were debtors of this description, and to be provided for in this bill; but when not one in a thousand has purchased public land, and all are laboring under the difficulty so feelingly described, can it be right to apply the remedy to a few, and leave others to struggle through as they can?

I hope I shall never be found hindmost in binding up the wounds inflicted by misfortune upon any of the sons of Adam. But, sir, the wretched and the poor presented to us here in such lively figures, have no part or lot in this matter; it is not the poor that buy land in any country.

Can any man make me believe that a farmer, owning a plantation on which he has resided three or four years without rent, is to be broken up and ruined by the payment of eighty dollars a year, the sum required to complete his title to a tract of a hundred and sixty acres of fertile land, under the law as it now stands? Such purchasers, I repeat it, can and will pay, and the greater part of them have done so already.

The provisions of this bill give such purchasers the liberty of paying annually fifty dollars, without interest, for eight years. If punctually paid it is not half the rent the poor have to pay for a home in any country; and if in default, you give them the chance of eight years more without paying anything. This is going further than they could ask. But, in getting at the class of purchasers for whom this bill is intended, it is necessary to attend to the poor, as, on other occasions, sometimes it is done to suit the views of the rich; they are the class whose interest is consulted in this bill; they have contrived to get all the land that is worth any thing in their possession; and a careful examination of the first section of the bill will convince any disinterested man that the object is to get the whole eventually for nothing.

If it is to be given away, I want a distribution more equal. The most deserving get none; men who risked their lives disputing the title of the aborigines, and marched over the dead bodies of your enemies to gain this land, get not one foot of it, but that which has been refused by these avaricious landmongers.

Independent of all the injustice that must follow this gratuity, among the land debtors, I view the precedent as a dangerous one in relation to the collection of revenue—I think I see another class of debtors ready to put in for their share.

The whole dependence of this Government is on revenue derived from imports that is now owing by merchants, who have experienced greater losses than any class of men in the community. They are too useful and meritorious to be left beggars, after we finish the good work in the West. And, sir, the cordial support given this bill, by a certain section of the country, puts me on my guard, not being accustomed to see any extraordinary display of sympathy for the people of the West, except for those who we all know hold no land. I do not know that self-interest would influence any one in a solicitude for the passage of this bill. I am a stranger to all management in legislation. I belong to no party; I know of none; and far be it from me to impeach the motives of any. It is enough for me to judge for myself—in doing so, on this occasion, I believe sound policy and impartial justice requires from me a vote to strike out the first and second sections of this bill, and as much more as will defeat its passage.

The question being taken on Mr. MCCOY's motion, it was negatived by a large majority.

Mr. ANDERSON moved to strike out that clause of the bill which proposes to allow an absolute

reduction of thirty-three per cent. on the amount due by the debtors, and so to amend the bill as to confine the discount to those who should make prompt payment of the whole sum due.

This proposition brought on a long debate, in which Messrs. BEECHER, JONES, COOK, HARDIN, SERGEANT, ANDERSON, and CLAY, joined.

The amendment was finally negatived—yeas 55, nays 62.

Mr. TUCKER, of Virginia, moved to add the following proviso to the first section of the bill:

Provided, also, That where any purchaser has purchased at the same time two or more quarter sections, he shall not be permitted to relinquish less than a quarter section.

This amendment was also negatived.

Mr. HARDIN then, for reasons which he stated, moved the following additional proviso to the third section of the bill:

And provided, further, That the discount allowed in this bill shall not be made where the debtor shall fail to pay any of the said several instalments, as the same shall become due and payable.

The amendment, after some debate, was also rejected.

The committee then rose, and reported the bill to the House without amendment.

Election of the Joint Committee on the part of the House of Representatives.

Mr. AROHER, of Virginia, then reported that the tellers appointed to examine the ballots given for a committee of 28 members on the Missouri subject, according to the resolution of yesterday, had performed that duty—the result of which ballot he delivered in.

It appeared that 157 members had been voted for, but that the following 17 gentlemen only had a majority of the ballots given, and were elected, viz:

Messrs. Clay, of Ky.	Messrs. Eddy, of R. I.
Cobb, of Geo.	Ford, of N. Y.
Hill, of Maine.	Culbreth, of Md.
Barbour, of Va.	Hackley, of N. Y.
Storrs, of N. Y.	S. Moore, of Pa.
Cocke, of Tenn.	Stevens, of Conn.
Rankin, of Miss.	Rogers, of Pa.
Archer, of Va.	Southard, of N. J.
Brown, of Ky.	

Seventeen only being elected, there remained six members yet to be appointed.

Mr. CLAY moved, as the operation of balloting again to-morrow would be tedious, and create delay, that the House agree, by general consent, to select the remaining six members from those having received the next highest number of votes.

It was also suggested that the Speaker appoint the remaining six; and the Speaker having intimated to the House that if the duty devolved on him, he should, from a sense of propriety, make the appointment from the names standing next highest to those elected on the list, the latter course was concurred in by the

House, Mr. CLAY having withdrawn his motion in favor of that course.

It appeared then that the five following gentlemen are also elected on the committee, being the next highest on the list:

Messrs. Darlington, of Pa.	Messrs. Gross, of N. Y.
Pitcher, of N. Y.	Livermore, of N. H.
Sloan, of Ohio.	

After these, Messrs. RANDOLPH and BALDWIN were next highest on the list, and having an equal number of votes, it remains for the Speaker to designate the gentleman who shall make the twenty-third member of the committee.

The House then adjourned.

SATURDAY, February 24.

Messrs. RANDOLPH, BALDWIN, and SMITH, of North Carolina, were appointed, in addition to those already named, to be of the joint committee on the Missouri subject; the first of these to fill up the number of the committee, and the two last to supply the vacancies occasioned by the resignation of Mr. LIVERMORE, and Mr. GROSS, of New York, who were excused from serving on the committee.

MONDAY, February 28.

Report of the Missouri Joint Committee.

The House then took up the resolution, as reported by the Joint Committee on the Missouri subject.

Mr. CLAY briefly explained the views of the committee, and the considerations which induced them to report the resolution. He considered this resolution as being the same in effect as that which had been previously reported by the former committee of thirteen members; and stated that the committee on the part of the Senate was unanimous, and that on the part of this House nearly so, in favor of this resolution.

Mr. ADAMS, of Massachusetts, delivered his objections to the resolution, on the ground of the defect of power in the Congress of the United States to authorize or require the Legislature of a State, once admitted into the Union, to do the act proposed by this resolution to be demanded of the Legislature of Missouri.

Mr. BROWN, of Kentucky, replied to the arguments of Mr. ADAMS, and defended the resolution from the objections set up against it. He earnestly invited the House to support the resolution, and thus to end the distracting and painful controversy respecting Missouri.

Mr. ADAMS spoke in explanation.

Mr. ALLEN, of Massachusetts, next obtained the floor, and delivered his sentiments with much earnestness, and pretty much at large, in opposition to the resolution, on the ground as well of its terms, as of hostility to the toleration of slavery in any shape, or under any pretence, by the legislation of Congress.

FEBRUARY, 1821.]

Report of the Missouri Joint Committee.

[H. OF R.]

[During the progress of this speech, Mr. ALLEN was called to order by Mr. TRIMBLE, because discussing not the question before the House, but a question decided at the last session. The SPEAKER, however, overruled this objection.]

Mr. ALLEN concluded, by moving to amend the resolution by striking out the word "citizen," wherever it occurs in the resolution, as above printed, and to insert in lieu thereof, "free negro or mulatto."

Mr. R. MOORE, of Pennsylvania, then required the previous question, believing that this subject had been so long debated, as to require that it be decided, in one way or another, without further consumption of the time of the House.

Ninety-five members having risen to second this motion, and the yeas and nays having been required thereon by Mr. RANDOLPH—

The question was stated in the following form: "Shall the main question be now put?" and was decided—for the previous question 109, against it 50.

The main question was then put, to wit: "Shall the resolution be engrossed and read a third time?" and passed in the affirmative—yeas 86, nays 82, as follows:

YEAS.—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Ball, Barbour, Bateman, Bayly, Blackledge, Bloomfield, Brevard, Brown, Bryan, Butler of Louisiana, Cannon, Clark, Clay, Cobb, Cocke, Crawford, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Eddy, Edwards of North Carolina, Fisher, Floyd, Ford, Gray, Guyon, Hackley, Hardin, Hill, Hooks, Jackson, Johnson, Jones of Virginia, Jones of Tennessee, Little, McCoy, McCreary, McLean of Kentucky, Meigs, Mercer, Metcalf, Montgomery, S. Moore, T. L. Moore, Neale, Nelson of Virginia, Newton, Overstreet, Pinckney, Rankin, Reid, Rhea, Ringgold, Robertson, Rogers, Sawyer, Settle, Shaw, Simkins, Smith of New Jersey, Smith of Maryland, A. Smyth of Virginia, Smith of North Carolina, Southard, Stevens, Storr, Swearingen, Terrell, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Udree, Walker, Warfield, Williams of Virginia, and Williams of North Carolina.

NAYS.—Messrs. Adams, Allen of Massachusetts, Allen of New York, Baker, Beecher, Boden, Brush, Buffum, Butler of New Hampshire, Campbell, Case, Claggett, Cook, Cushman, Dana, Darlington, Denison, Dewitt, Dickinson, Edwards of Connecticut, Edwards of Pennsylvania, Eustis, Fay, Folger, Foot, Forrest, Fuller, Garnet, Gorham, Gross, of New York, Gross of Pennsylvania, Hall of New York, Hemphill, Hendricks, Herrick, Hibshman, Hobart, Hostetter, Kendall, Kinsey, Kinsley, Lathrop, Lincoln, Livermore, Mayday, McCullough, Mallary, Marchand, Meech, Monell, R. Moore, Morton, Mosely, Murray, Nelson of Massachusetts, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Plummer, Randolph, Rich, Richards, Richmond, Ross, Russ, Sergeant, Silsbee, Sloan, Street, Strong of Vermont, Strong of New York, Tarr, Tomlinson, Tracy, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood.

The resolution was then ordered to be read a third time this day, but not without considerable opposition.

VOL. VII.—9

The resolution was accordingly read a third time, and put on its passage.

Mr. RANDOLPH, in a speech of some twenty minutes, delivered the reasons why he should not vote for the resolution.

The final question was then taken on the resolution, and decided in the affirmative.

So the resolution was passed, and ordered to be sent to the Senate for concurrence.*

* The resolution as reported and adopted, was in these words:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That Missouri shall be admitted into this Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition, that the fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen, of either of the States in this Union, shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: Provided, That the Legislature of said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into the Union shall be considered as complete.

Approved, March 2, 1821.

The reason of referring it to the President to announce the fact, by proclamation, that Missouri had complied with the condition of the resolution, and was thereby admitted, was for the purpose of preventing the question of admission, in any shape whatever, from getting before Congress again. The State complied within the limited time, whereupon the President issued the following proclamation; and the portentous struggle of two years and a half came to a close:

A PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES.

Whereas the Congress of the United States, by a joint resolution of the second day of March last, entitled "Resolution providing for the admission of the State of Missouri into the Union on a certain condition," did determine and declare—"That Missouri should be admitted into this Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition, that the fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: *Provided*, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the first Monday in November next, an authentic copy of said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete:"—And whereas, by a solemn public act of the Assembly of the said State of Missouri, passed on the twenty-sixth of June, in the present year, entitled "A solemn public act declaring the assent of this State to the fundamental condition contained in a resolution passed by the Congress of the United States, providing for the admission of the State of Missouri into the Union on a certain condition;" an authentic copy whereof has been communicated to me, it is solemnly and publicly enacted and declared, that that State has assented and does assent, that the fourth clause of the twenty-sixth section of the third article of the constitution of said State "shall never be construed to authorize the passage of any law, and that no law

TUESDAY, February 27.

Increase of the Navy.

The House then, on motion of Mr. BARBOUR, of Virginia, resolved itself into a Committee of the Whole, on the bill to amend the act for the gradual increase of the Navy, so as to reduce the annual appropriation therefor from one million to half a million dollars per annum, and extend the term of appropriation from three to six years.

Mr. BARBOUR indicated his intention to propose an amendment to the bill, the object of which was to limit the reduced appropriation to three years; his object being to have the ships contemplated to be built, so far completed as regarded the frames of them, as to be in a state to be secured and covered in by houses built over them. Mr. B. explained at large his views of this subject, the leading feature of which was, that however advisable it might be to build more ships, it was not necessary at present to put them afloat. He therefore moved that the committee rise, with a view to moving that the bill lie on the table, giving notice that at 12 o'clock to-morrow, he should call it up, with a view to moving the amendment which he had indicated.

Mr. FULLER rose merely to say, that when the amendment should be before the House, he should endeavor to show why, in his opinion, the bill should not be adopted at this session at least.

The committee then rose, and, on motion of Mr. BARBOUR, the bill was laid on the table.

SATURDAY, March 3.

Election of Printer.

Mr. COOKE submitted the following resolution, viz :

Resolved, That this House will forthwith proceed to ballot for a printer to execute its work during the next Congress, according to the provisions of the resolution "directing the manner in which the printing of Congress shall be executed; fixing the prices thereof, and providing for the appointment of a printer or printers," passed on the 8d day of March, 1819.

shall be passed in conformity thereto, by which any citizen of either of the United States shall be excluded from the enjoyment of any of the privileges and immunities to which such citizens are entitled under the Constitution of the United States."—Now, therefore, I, JAMES MONROE, President of the United States, in pursuance of the resolution of Congress aforesaid, have issued this my Proclamation, announcing the fact, that the said State of Missouri has assented to the fundamental condition required by the resolution of Congress aforesaid; whereupon the admission of the said State of Missouri into this Union is declared to be complete.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at [L. s.] the City of Washington, the tenth day of August, 1821; and of the Independence of the said United States of America the forty-sixth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

The SPEAKER put the previous question of consideration on this motion, and it was determined in the affirmative. Mr. SERGEANT moved to lay it on the table, which was negatived. The resolution was then agreed to. The SPEAKER then laid before the House letters from E. DeKraft, Elliot & Irvine, Davis & Force, and Gales & Seaton, offering themselves as candidates for this employment; the first named offering to do the work for 25 per cent. less than the prices established by the act of March 8, 1819, and the second named offering to do it for 25½ per cent. less. An attempt was then made by Mr. ALLEN, of Massachusetts, and Mr. WOOD, of New York, to suspend or dispense with the election; but the motion for that purpose was pronounced out of order, the House having determined to proceed forthwith to the election. The House then balloted accordingly, and the tellers (Mr. GROSS, Mr. BECKER, and Mr. COBB) reported that the votes were—

For Gales & Seaton	-	-	-	87
Elliot & Irvine	-	-	-	31
Davis & Force	-	-	-	9
E. DeKraft	-	-	-	6

and that Gales & Seaton were of course elected.

In the Senate the election took place on the same day, on the motion of Mr. BARBOUR. The votes in that body were—

For Gales & Seaton	-	-	-	23
Scattering	-	-	-	8

The House proceeded to consider the bill to amend an act, entitled "An act for regulating process in the courts of the United States;" whereupon it was ordered to be engrossed, and read a third time to-day.

The House then adjourned until five o'clock, P. M.

FIVE O'CLOCK, P. M.

The Floridas—Bill to take Possession, and for Temporary Government.

The House again resolved itself into a Committee of the Whole on the state of the Union; and, after some time spent therein, the Speaker resumed the chair, and Mr. LATHROP reported that the committee had again had the state of the Union under consideration, and directed him to report the bill thereto committed on the 27th February ultimo, for carrying into execution the treaty between the United States and Spain, concluded at Washington the 23d of February, 1819, with several amendments; which were read, and concurred in by the House.

The bill was then further amended; and

A motion was made by Mr. ALLEN, of Massachusetts, further to amend the same by inserting, after the word Territories, where it first occurs in the second section, these words: "not incompatible with the Constitution and laws of the United States;" so that the civil, military, and judicial powers exercised by the Spanish authorities within the territories of East and

MARCH, 1821.]

The Speaker's Address.

[H. OF R.]

West Florida, and which are established by the said bill for the government of said territories until otherwise provided, shall "not be incompatible with the Constitution and laws of the United States."

And the question being taken to agree to this amendment, it was determined in the negative. The bill was then ordered to be engrossed, and read a third time to-day.

Florida Bill Passed.

Engrossed bills of the following titles, viz:

"An act for carrying into execution the treaty between the United States and Spain, concluded at Washington, the 22d of February, 1819;" and "An act to authorize the President of the United States to borrow a sum not exceeding four millions five hundred thousand dollars," were severally read a third time, and passed.*

Thanks to the Speaker.

Mr. CLAY rose, and addressed the House to the following effect:

I rise to submit a motion, which, if it should conciliate the general concurrence of this House, I shall be extremely glad. The present session was commenced under very unpleasant auspices. In the appointment of a presiding officer of the House, the first manifestation was made of that unfortunate division of opinion which has been the peculiar characteristic of the session. The storm has happily subsided, and we have the great satisfaction to behold the ship of our Confederacy unimpaired by its rage; her hull, her rigging, and her patriotic crew completely fit for a long and glorious voyage, under the star-spangled banner which proudly floats aloft.

The moral of that agitating drama, of which for more than two years past our country has been the theatre, is that, whilst our Federal Union is admirably fitted to accomplish all the national purposes for which it was intended, there are delicate subjects, exclusively appertaining to the several States, which cannot be touched but by them, without the greatest hazard to the public tranquillity. They resemble those secluded apartments in our respective domicils, which are dedicated to family privacy, into which our nearest and best neighbors should not enter. Let us terminate the session by making that officer the depository of our entire reconciliation, whose election first elicited our divisions, and whose situation has been extremely arduous and difficult. For my part, I have great pleasure in testifying to the assiduity, impartiality, ability, and promptitude, with which he has administered the duties of the Chair since I was able to take my seat. I move the following resolution:

* Thus the bill for the temporary government of Florida, being a bill for the temporary continuation of the Spanish despotism there, was passed without a division; and the motion to amend that bill so as to make it compatible with the Constitution and laws of the United States, was negatived, and also without a division.

Resolved, That the thanks of this House be given to the honorable JOHN W. TAYLOR, for the assiduity, promptitude, and ability, with which he has administered the duties of the Chair.

Mr. NELSON, of Virginia, (who was temporarily in the Chair,) having stated the question—

Mr. RHEA said he hoped this resolution would obtain a unanimous vote. He had been long a member of this House, and he had never seen the duties of the Chair discharged more satisfactorily than by the present Speaker.

Mr. HARDIN said, that it was with great satisfaction he should vote for this resolution, because it met his entire approbation. To be candid, the Speaker had, in the discharge of the duties of the Chair, far outgone his expectations; and he would vote him the thanks proposed with a great deal of pleasure.

The question was then taken on agreeing to the resolution, and decided in the affirmative, one negative voice only being heard.

Closing Business.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to authorize the President of the United States to borrow a sum not exceeding four millions five hundred thousand dollars;" and the same being read twice, were disagreed to.

That portion of the said bill to which the third amendment proposed by the Senate applies, reads thus, viz: "reimbursable at the will of the Government, and at the will of the creditor, at any time after the first day of January, 1835."

The third amendment of the Senate proposes to strike out the words, *and at the will of the creditor*.

Mr. BARBOUR moved to amend the said third amendment so as to make the aforesaid clause in the bill read thus: "reimbursable at the will of the Government at any time before the first day of January, 1835; and at the will either of the Government or the creditor, at any time after that period."

And the question being taken to agree to this amendment, it was determined in the negative; and the said amendment was then concurred in by the House.

The Speaker's Address.

Mr. TAYLOR, the Speaker, rose and addressed the House, as follows:

Gentlemen of the House of Representatives:

Deeply penetrated with a sense of the kindness and liberality, which, in terms, and from a source the most flattering, have dictated the recent expression of your approbation, I shall ever esteem it the highest reward of my public services. If the duties of the Chair have been discharged in any degree to your satisfaction, it is attributable chiefly to those feelings of generosity which have covered my numerous errors, and which have rendered to purity of motive the deference due to superior merit. My inexperience has been compensated by your prudent coun-

H. OF R.]

Inauguration of the President.

[MARCH, 1821.]

sels, and by a dignified deportment, which has seldom required the interposition of a presiding officer.

Entertaining, gentlemen, for every member of this House no other sentiment than respect and friendship; endeared to many by recollections of united deliberation and effort, in a period of great national embarrassment; and grateful to all for the magnanimous support which constantly has been afforded me, I shall never cease to rejoice in your individual welfare.

Carry with you, gentlemen, to the bosom of your families and friends my best wishes for your prosperity, and, under the protecting care of a benign Providence, may each of you enjoy the continued confidence of the wise and good, and largely contribute to perpetuate the union and glory of our common country.

Mr. SMITH, of Maryland, from the joint committee appointed to wait on the President of

the United States, and inform him that the two Houses of Congress are about to adjourn if he has no further communications to make to them, reported that the committee had waited upon the President of the United States, and was informed by him that he had no further communications to make to Congress at the present session.

A message from the Senate informed the House that the Senate, having completed the Legislative business before them, are now ready to adjourn.

A message was then sent to the Senate, by the Clerk, to inform them that the House is also ready to adjourn.

The Clerk having gone with the said message, and being returned, the Speaker adjourned the House, *sine die*.

INAUGURATION OF THE PRESIDENT.

[From the National Intelligencer of Tuesday, March 6, 1821.]

The inauguration of the President of the United States, whose second term of service commenced yesterday, took place according to previous arrangement. The oath of office having been administered to the President, by Chief Justice Marshall, he delivered the speech which will be found annexed.

The day proved very unfavorable for the attendance of spectators, there having fallen during the preceding night a good deal of snow and rain; notwithstanding which, an immense crowd thronged the doors of the Capitol. The number of persons who obtained admission within the walls of the Representatives' chamber (gallery of course included) could not have been less than two thousand.

There was not much form about this ceremony, which, in truth, requires no form but the forms of decency and decorum; but the scene was not the less impressive. The President was placed on the platform in front of the Speaker's Chair; the Chief Justice stood by his side during the delivery of the speech. The Associate Judges, the President of the Senate, the Speaker of the House of Representatives, the Heads of Departments, and many of our distinguished Military and Naval Officers, were near him. Assigned to their proper places were the members of the various Foreign Legations. The seats in the interior were principally occupied by a numerous collection of ladies; and all around, above, and below, were countless numbers of the people, of whom, without discrimination, as many were admitted after the

ladies and privileged persons were seated, as the room could accommodate. On the entrance and exit of the President, the music of the Marine Band enlivened the scene, which was altogether characterized by simple grandeur and splendid simplicity.

It is well, considering the great crowd which filled the avenues to the door of the Representatives' chamber, and pressed onwards for admittance, that no accident occurred to mar the enjoyment of those who had the pleasure to witness this truly Republican ceremony.

Inaugural Speech.

Yesterday, at 12 o'clock, on taking the oath to support the Constitution of the United States, the following speech was delivered by JAMES MONROE, President of the United States:

FELLOW-CITIZENS: I shall not attempt to describe the grateful emotions which the new and very distinguished proof of the confidence of my fellow-citizens, evinced by my re-election to this high trust, has excited in my bosom. The approbation which it announces of my conduct, in the preceding term, affords me a consolation which I shall profoundly feel through life. The general accord with which it has been expressed, adds to the great and never-ceasing obligations which it imposes. To merit the continuance of this good opinion, and to carry it with me into my retirement, as the solace of advancing years, will be the object of my most zealous and unceasing efforts.

Having no pretension to the high and commanding claims of my predecessors, whose names are so much more conspicuously identified with our Revolution,

MARCH, 1891.]

Inauguration of the President.

[H. OF R.]

and who contributed so pre-eminently to promote its success, I consider myself rather as the instrument than the cause of the union which has prevailed in the late election. In surmounting, in favor of my humble pretensions, the difficulties which so often produce division in like occurrences, it is obvious that other powerful causes, indicating the great strength and stability of our Union, have essentially contributed to draw you together. That these powerful causes exist, and that they are permanent, is my fixed opinion; that they may produce a like accord in all questions, touching, however remotely, the liberty, prosperity, and happiness of our country, will always be the object of my most fervent prayers to the Supreme Author of all good.

In a Government which is founded by the people, who possess exclusively the sovereignty, it seems proper that the person who may be placed by their suffrages in this high trust, should declare, on commencing its duties, the principles on which he intends to conduct the Administration. If the person, thus elected, has served the preceding term, an opportunity is afforded him to review its principal occurrences, and to give such further explanation respecting them as, in his judgment, may be useful to his constituents. The events of one year have influence on those of another; and, in like manner, of a preceding on the succeeding Administration. The movements of a great nation are connected in all their parts. If errors have been committed, they ought to be corrected; if the policy is sound, it ought to be supported. It is by a thorough knowledge of the whole subject that our fellow-citizens are enabled to judge correctly of the past, and to give a proper direction to the future.

Just before the commencement of the last term, the United States had concluded a war with a very powerful nation, on conditions equal and honorable to both parties. The events of that war are too recent, and too deeply impressed on the memory of all, to require a development from me. Our commerce had been, in a great measure, driven from the sea; our Atlantic and inland frontiers were invaded in almost every part; the waste of life along our coast, and on some parts of our inland frontiers, to the defence of which our gallant and patriotic citizens were called, was immense; in addition to which, not less than one hundred and twenty millions of dollars were added at its end to the public debt.

As soon as the war had terminated, the nation, admonished by its events, resolved to place itself in a situation which should be better calculated to prevent the recurrence of a like evil, and, in case it should recur, to mitigate its calamities. With this view, after reducing our land force to the basis of a peace establishment, which has been further modified since, provision was made for the construction of fortifications at proper points, through the whole extent of our coast, and such an augmentation of our naval force, as should be well adapted to both purposes. The laws, making this provision, were passed in 1815 and 1816, and it has been since, the constant effort of the Executive to carry them into effect.

The advantage of these fortifications, and of an augmented naval force, in the extent contemplated, in point of economy, has been fully illustrated, by a report of the Board of Engineers and Naval Commissioners, lately communicated to Congress, by which it appears, that in an invasion by twenty thousand men, with a correspondent naval force, in

a campaign of six months only, the whole expense of the construction of the works would be defrayed by the difference in the sum necessary to maintain the force which would be adequate to our defence with the aid of those works, and that which would be incurred without them. The reason of this difference is obvious. If fortifications are judiciously placed on our great inlets, as distant from our cities as circumstances will permit, they will form the only points of attack, and the enemy will be detained there by a small, regular force, a sufficient time to enable our militia to collect, and repair to that on which the attack is made. A force adequate to the enemy, collected at that single point, with suitable preparation for such others as might be menaced, is all that would be requisite. But, if there were no fortifications, then the enemy might go where he pleased, and, changing his position, and sailing from place to place, our force must be called out and spread in vast numbers along the whole coast, and on both sides of every bay and river, as high up in each as it might be navigable for ships of war. By these fortifications, supported by our navy, to which they would afford like support, we should present to other powers an armed front from St. Croix to the Sabine, which would protect, in the event of war, our whole coast and interior from invasion; and even in the wars of other powers, in which we were neutral, they would be found eminently useful, as, by keeping their public ships at a distance from our cities, peace and order in them would be preserved, and the Government be protected from insult.

It need scarcely be remarked, that these measures have not been resorted to in a spirit of hostility to other powers. Such a disposition does not exist towards any power. Peace and good will have been, and will hereafter be, cultivated with all, and by the most faithful regard to justice. They have been dictated by a love of peace, of economy, and an earnest desire to save the lives of our fellow-citizens from that destruction, and our country from that devastation, which are inseparable from war, when it finds us unprepared for it. It is believed, and experience has shown, that such a preparation is the best expedient that can be resorted to, to prevent war. I add with much pleasure, that considerable progress has already been made in these measures of defence, and that they will be completed in a few years, considering the great extent and importance of the object, if the plan be zealously and steadily persevered in.

The conduct of the Government, in what relates to foreign powers, is always an object of the highest importance to the nation. Its agriculture, commerce, manufactures, fisheries, revenue; in short, its peace, may all be affected by it. Attention is, therefore, due to this subject.

At the period adverted to, the powers of Europe, after having been engaged in long and destructive wars with each other, had concluded a peace, which happily still exists. Our peace with the power with whom we had been engaged, had also been concluded. The war between Spain and the colonies in South America, which had commenced many years before, was then the only conflict that remained unsettled. This being a contest between different parts of the same community, in which other powers had not interfered, was not affected by their accommodations.

This contest was considered, at an early stage,

H. OF R.]

Inauguration of the President.

[MARCH, 1821.]

by my predecessor, a civil war, in which the parties were entitled to equal rights in our ports. This decision, the first made by any power, being formed on great consideration of the comparative strength and resources of the parties, the length of time, and successful opposition made by the colonies, and of all other circumstances on which it ought to depend, was in strict accord with the law of nations. Congress has invariably acted on this principle, having made no change in our relations with either party. Our attitude has, therefore, been that of neutrality between them, which has been maintained by the Government with the strictest impartiality. No aid has been afforded to either, nor has any privilege been enjoyed by the one, which has not been equally open to the other party; and every exertion has been made in its power, to enforce the execution of the laws prohibiting illegal equipments, with equal rigor against both.

By this equality between the parties, their public vessels have been received in our ports on the same footing; they have enjoyed an equal right to purchase and export arms, munitions of war, and every other supply—the exportation of all articles whatever being permitted under laws which were passed long before the commencement of the contest; our citizens have traded equally with both, and their commerce with each has been alike protected by the Government.

Respecting the attitude which it may be proper for the United States to maintain hereafter between the parties, I have no hesitation in stating it as my opinion, that the neutrality heretofore observed should still be adhered to. From the change in the Government of Spain, and the negotiation now depending, invited by the Cortes and accepted by the colonies, it may be presumed that their differences will be settled on the terms proposed by the colonies. Should the war be continued, the United States, regarding its occurrences, will always have it in their power to adopt such measures respecting it as their honor and interest may require.

Shortly after the general peace, a band of adventurers took advantage of this conflict, and of the facility which it afforded, to establish a system of buccaneering in the neighboring seas, to the great annoyance of the commerce of the United States, and, as was represented, of that of other powers. Of this spirit, and of its injurious bearing on the United States, strong proofs were afforded by the establishment at Amelia Island, and the purposes to which it was made instrumental by this band in 1817, and by the occurrences which took place in other parts of Florida, in 1818, the details of which, in both instances, are too well known to require to be now recited. I am satisfied had a less decisive course been adopted, that the worst consequences would have resulted from it. We have seen that these checks, decisive as they were, were not sufficient to crush that piratical spirit. Many culprits brought within our limits, have been condemned to suffer death, the punishment due to that atrocious crime. The decisions of upright and enlightened tribunals fall equally on all, whose crimes subject them, by a fair interpretation of the law, to its censure. It belongs to the Executive not to suffer the executions, under these decisions, to transcend the great purpose for which punishment is necessary. The full benefit of example being secured, policy, as well as humanity, equally forbids that they should be carried further.

I have acted on this principle, pardoning those who appear to have been led astray by ignorance of the criminality of the acts they had committed, and suffering the law to take effect on those only in whose favor no extenuating circumstances could be urged.

Great confidence is entertained that the treaty with Spain, which has been ratified by both the parties, and the ratifications whereof have been exchanged, has placed the relations of the two countries on a basis of permanent friendship. The provision made by it for such of our citizens as have claims on Spain, of the character described, will, it is presumed, be very satisfactory to them; and the boundary which is established between the territories of the parties, westward of the Mississippi, heretofore in dispute, has, it is thought, been settled on conditions just and advantageous to both. But, to the acquisition of Florida, too much importance cannot be attached. It secures to the United States a territory important in itself, and whose importance is much increased by its bearing on many of the highest interests of the Union. It opens to several of the neighboring States a free passage to the ocean, through the province ceded, by several rivers, having their sources high up within their limits. It secures us against all future annoyance from powerful Indian tribes. It gives us several excellent harbors in the Gulf of Mexico for ships of war of the largest size. It covers, by its position in the Gulf, the Mississippi and other great waters within our extended limits, and thereby enables the United States to afford complete protection to the vast and very valuable productions of our whole Western country, which find a market through those streams.

By a treaty with the British Government, bearing date on the twentieth of October, one thousand eight hundred and eighteen, the convention regulating the commerce between the United States and Great Britain, concluded on the third of July, one thousand eight hundred and fifteen, which was about expiring, was revived and continued for the term of ten years from the time of its expiration. By that treaty, also, the differences which had arisen under the Treaty of Ghent, respecting the right claimed by the United States for their citizens, to take and cure fish on the coast of His Britannic Majesty's dominions in America, with other differences on important interests, were adjusted, to the satisfaction of both parties. No agreement has yet been entered into respecting the commerce between the United States and the British dominions in the West Indies, and on this continent. The restraints imposed on that commerce by Great Britain, and reciprocated by the United States, on a principle of defence, continue still in force.

The negotiation with France for the regulation of the commercial relations between the two countries, which, in the course of last summer, had been commenced at Paris, has since been transferred to this city, and will be pursued, on the part of the United States, in the spirit of conciliation, and with an earnest desire that it may terminate in an arrangement satisfactory to both parties.

Our relations with the Barbary powers are preserved in the same state, and by the same means, that were employed when I came into this office. As early as 1801, it was found necessary to send a squadron into the Mediterranean, for the protection of our commerce, and no period has intervened, a

MARCH, 1831.]

Inauguration of the President.

[H. OF R.]

short time excepted, when it was thought advisable to withdraw it. The great interest which the United States have in the Pacific, in commerce, and in the fisheries, have also made it necessary to maintain a naval force there. In disposing of this force, in both instances, the most effectual measures in our power have been taken, without interfering with its other duties, for the suppression of the slave trade, and of piracy, in the neighboring seas.

The situation of the United States, in regard to their resources, the extent of their revenue, and the facility with which it is raised, affords a most gratifying spectacle. The payment of nearly sixty-seven millions of dollars of the public debt, with the great progress made in measures of defence, and in other improvements of various kinds, since the late war, are conclusive proofs of this extraordinary prosperity, especially when it is recollected that these expenditures have been defrayed, without a burden on the people, the direct tax and excise having been repealed soon after the conclusion of the late war, and the revenue applied to these great objects having been raised in a manner not to be felt. Our great resources, therefore, remain untouched, for any purpose which may affect the vital interests of the nation. For all such purposes they are inexhaustible. They are more especially to be found in the virtue, patriotism, and intelligence, of our fellow-citizens, and in the devotion with which they would yield up, by any just measure of taxation, all their property in support of the rights and honor of their country.

Under the present depression of prices, affecting all the productions of the country, and every branch of industry, proceeding from causes explained on a former occasion, the revenue has considerably diminished; the effect of which has been to compel Congress either to abandon these great measures of defence, or to resort to loans or internal taxes to supply the deficiency. On the presumption that this depression, and the deficiency in the revenue arising from it, would be temporary, loans were authorized for the demands of the last and present year. Anxious to relieve my fellow-citizens in 1817, from every burden which could be dispensed with, and the state of the Treasury permitting it, I recommended the repeal of the internal taxes, knowing that such relief was then peculiarly necessary, in consequence of the great exertions made in the late war. I made that recommendation under a pledge that, should the public exigencies require a recurrence to them at any time while I remained in this trust, I would, with equal promptitude, perform the duty which would then be alike incumbent on me. By the experiment now making it will be seen, by the next session of Congress, whether the revenue shall have been so augmented as to be adequate to all these necessary purposes. Should the deficiency still continue, and especially should it be probable that it would be permanent, the course to be pursued appears to me to be obvious. I am satisfied that, under certain circumstances, loans may be resorted to with great advantage. I am equally well satisfied, as a general rule, that the demands of the current year, especially in time of peace, should be provided for by the revenue of that year. I have never dreaded, nor have I ever shunned, in any situation in which I have been placed, making appeals to the virtue and patriotism of my fellow-citizens, well knowing that they could never be made in vain, especially in times of

great emergency, or for purposes of high national importance. Independently of the exigency of the case, many considerations of great weight urge a policy having in view a provision of revenue to meet, to a certain extent, the demands of the nation, without relying altogether on the precarious resource of foreign commerce. I am satisfied that internal duties and excises, with corresponding imposts on foreign articles of the same kind, would, without imposing any serious burdens on the people, enhance the price of produce, promote our manufactures, and augment the revenue, at the same time that they made it more secure and permanent.

The care of the Indian tribes within our limits has long been an essential part of our system, but, unfortunately, it has not been executed in a manner to accomplish all the objects intended by it. We have treated them as independent nations without their having any substantial pretension to that rank. The distinction has flattered their pride, retarded their improvement, and, in many instances, paved the way to their destruction. The progress of our settlements westward, supported as they are by a dense population, has constantly driven them back, with almost the total sacrifice of the lands which they have been compelled to abandon. They have claims on the magnanimity, and, I may add, on the justice of this nation, which we must all feel. We should become their real benefactors, we should perform the office of their Great Father, the endearing title which they emphatically give to the Chief Magistrate of our Union. Their sovereignty over vast territories should cease, in lieu of which the right of soil should be secured to each individual, and his posterity, in competent portions, and for the territory thus ceded by each tribe some reasonable equivalent should be granted, to be vested in permanent funds for the support of civil government over them, and for the education of their children, for their instruction in the arts of husbandry, and to provide sustenance for them until they could provide it for themselves. My earnest hope is, that Congress will digest some plan, founded on these principles, with such improvements as their wisdom may suggest, and carry it into effect as soon as it may be practicable.

Europe is again unsettled, and the prospect of war increasing. Should the flame light up in any quarter, how far it may extend it is impossible to foresee. It is our peculiar felicity to be altogether unconnected with the causes which produce this menacing aspect elsewhere. With every power we are in perfect amity, and it is our interest to remain so, if it be practicable on just conditions. I see no reasonable cause to apprehend variance with any power, unless it proceed from a violation of our maritime rights. In these contests, should they occur, and to whatever extent they may be carried, we shall be neutral; but as a neutral power we have rights which it is our duty to maintain. For light injuries it will be incumbent on us to seek redress in a spirit of amity, in full confidence that, injuring none, none would knowingly injure us. For more imminent dangers we should be prepared, and it should always be recollected that such preparation, adapted to the circumstances, and sanctioned by the judgment and wishes of our constituents, cannot fail to have a good effect, in averting dangers of every kind. We should recollect also that the season of peace is best adapted to these preparations.

If we turn our attention, fellow-citizens, more im-

mediately to the internal concerns of our country, and more especially to those on which its future welfare depends, we have every reason to anticipate the happiest results. It is now rather more than forty-four years since we declared our independence, and thirty-seven since it was acknowledged. The talents and virtues which were displayed in that great struggle were a sure presage of all that has since followed. A people who were able to surmount in their infant state such great perils, would be more competent as they rose into manhood to repel any which they meet in their progress. Their physical strength would be more adequate to foreign danger, and the practice of self-government, aided by the light of experience, could not fail to produce an effect equally salutary on all those questions connected with the internal organization. These favorable anticipations have been realized. In our whole system, National and State, we have shunned all the defects which unceasingly preyed on the vitals and destroyed the ancient republics. In them there were distinct orders, a nobility and a people, or the people governed in one assembly. Thus, in the one instance there was a perpetual conflict between the orders in society for the ascendancy, in which the victory of either terminated in the overthrow of the Government and the ruin of the State. In the other, in which the people governed in a body, and whose dominions seldom exceeded the dimensions of a county in one of our States, a tumultuous and disorderly movement permitted only a transitory existence. In this great nation there is but one order, that of the people, whose power, by a peculiarly happy improvement of the representative principle, is transferred from them without impairing in the slightest degree their sovereignty, to bodies of their own creation, and to persons elected by themselves, in the full extent necessary for all the purposes of a free, enlightened, and efficient Government. The whole system is elective, the complete sovereignty being in the people, and every officer in every department deriving his authority from and being responsible to them for his conduct.

Our career has corresponded with this great outline. Perfection in our organization could not have been expected in the outset, either in the National or State Governments, or in tracing the line between their respective powers. But no serious conflict has arisen, nor any contest but such as are managed by argument, and by a fair appeal to the good sense of the people; and many of the defects which experience

had clearly demonstrated, in both Governments have been remedied. By steadily pursuing this course, in this spirit, there is every reason to believe that our system will soon attain the highest degree of perfection of which human institutions are capable, and that the movement, in all its branches, will exhibit such a degree of order and harmony, as to command the admiration and respect of the civilized world.

Our physical attainments have not been less eminent. Twenty-five years ago the river Mississippi was shut up, and our Western brethren had no outlet for their commerce. What has been the progress since that time? The river has not only become the property of the United States from its source to the ocean, with all its tributary streams, (with the exception of the upper part of the Red River only,) but Louisiana, with a fair and liberal boundary on the western side, and the Floridas on the eastern, have been ceded to us. The United States now enjoy the complete and uninterrupted sovereignty over the whole territory from St Croix to the Sabine. New States, settled from among ourselves in this, and in other parts, have been admitted into our Union, in equal participation in the national sovereignty with the original States. Our population has augmented in an astonishing degree, and extended in every direction. We now, fellow-citizens, comprise within our limits the dimensions and faculties of a great power, under a Government possessing all the energies of any Government ever known to the old world, with an utter incapacity to oppress the people.

Entering, with these views, the office which I have just solemnly sworn to execute with fidelity, and to the utmost of my ability, I derive great satisfaction from a knowledge that I shall be assisted in the several departments by the very enlightened and upright citizens from whom I have received so much aid in the preceding term. With full confidence in the continuance of that candor, and generous indulgence, from my fellow-citizens at large, which I have heretofore experienced, and, with a firm reliance on the protection of Almighty God, I shall forthwith commence the duties of the high trust to which you have called me.

DANIEL D. TOMPKINS took the constitutional oath on entering his second term of service in the office of Vice President of the United States, at his own residence, on Saturday, the third instant.

DECEMBER, 1821.]

Proceedings.

[SENATE.]

SEVENTEENTH CONGRESS.—FIRST SESSION.

BEGUN AT THE CITY OF WASHINGTON, DECEMBER 8, 1821.

PROCEEDINGS IN THE SENATE.*

MONDAY, December 8, 1821.

The first session of the Seventeenth Congress, conformably to the Constitution of the United States, commenced this day at the city of Washington, and the Senate assembled.

PRESENT :

DAVID L. MORRILL and JOHN F. PARROTT, from the State of New Hampshire.

ELIJAH BOARDMAN and JAMES LANMAN, from Connecticut.

JAMES D'WOLF and NEHEMIAH R. KNIGHT, from Rhode Island.

WILLIAM A. PALMER and HORATIO SEYMOUR, from Vermont.

RUFUS KING and MARTIN VAN BUREN, from New York.

MAHLON DICKERSON and SAMUEL L. SOUTHDARD, from New Jersey.

WALTER LOWRIE, from Pennsylvania.

JAMES BARBOUR and JAMES PLEASANTS, from Virginia.

NATHANIEL MACON and MONTFORT STOKES, from North Carolina.

JOHN GAILLARD and WILLIAM SMITH, from South Carolina.

RICHARD M. JOHNSON, from Kentucky.

JOHN WILLIAMS and JOHN H. EATON, from Tennessee.

BENJAMIN RUGGLES, from Ohio.

JAMES BROWN and HENRY JOHNSON, from Louisiana.

JAMES NOBLE and WALLER TAYLOR, from Indiana.

DAVID HOLMES and THOMAS H. WILLIAMS, from Mississippi.

JESSE B. THOMAS, from Illinois.

JOHN CHANDLER and JOHN HOLMES, from Maine.

DAVID BARTON, from Missouri.

JOHN GAILLARD, President *pro tempore*, resumed the Chair.

ELIJAH BOARDMAN, appointed a Senator by the Legislature of the State of Connecticut, for the term of six years, commencing on the fourth day of March last; HORATIO SEYMOUR, appointed a Senator by the Legislature of the State of Vermont, for the term of six years, commencing on the fourth day of March last; JAMES D'WOLF, appointed a Senator by the Legislature of the State of Rhode Island and Providence Plantations, for the term of six years, commencing on the fourth day of March last; MARTIN VAN BUREN, appointed a Senator by the Legislature of the State of New York, for the term of six years, commencing on the fourth day of last March; JOHN HENRY EATON, appointed a Senator by the Legislature of the State of Tennessee, for the term of six years, commencing on the fourth day of March last; DAVID HOLMES, appointed a Senator by the

* LIST OF MEMBERS OF THE SENATE.

Maine.—John Chandler, John Holmes.

New Hampshire.—David L. Morrill, John F. Parrott.

Massachusetts.—Harrison Gray Otis, Elijah H. Mills.

Rhode Island.—James D'Wolf, Nehemiah R. Knight.

Vermont.—William A. Palmer, Horatio Seymour.

Connecticut.—Elijah Boardman, James Lanman.

New York.—Rufus King, Martin Van Buren.

New Jersey.—Mahlon Dickerson, Samuel L. Southard.

Pennsylvania.—Walter Lowrie, William Findlay.

Delaware.—Nicholas Van Dyke, Caesar Augustus Rodney.

Maryland.—Edward Lloyd, William Pinkney.

Virginia.—James Barbour, James Pleasants.

North Carolina.—Nathaniel Macon, Montfort Stokes.

South Carolina.—John Gaillard, William Smith.

Georgia.—John Elliot, Nicholas Ware.

Alabama.—William Rufus King.

Louisiana.—James Brown, Henry Johnson.

Mississippi.—David Holmes, Thomas H. Williams.

Tennessee.—John Williams, John H. Eaton.

Kentucky.—Richard M. Johnson, Isham Talbot.

Ohio.—Benjamin Ruggles, William A. Trimble.

Indiana.—James Noble, Waller Taylor.

Illinois.—Jesse B. Thomas, Ninian Edwards.

Missouri.—David Barton, Thomas H. Benton.

Legislature of the State of Mississippi, for the term of six years, commencing on the fourth day of March last; and DAVID BARTON, appointed a Senator by the Legislature of the State of Missouri, respectively produced their credentials, which were read; and the oath prescribed by law was administered to them, and they took their seats in the Senate.

The oath was also administered to Messrs. HOLMES, of Maine, SOUTHWARD, BARBOUR, RUGLES, and NOBLE; their credentials having been read and filed during the last session.

A quorum being present—

On motion, a committee was ordered to be appointed, jointly with such committee as should be appointed by the House of Representatives, to wait on the President of the United States, and inform him that the two Houses were assembled, and ready to receive any communication he might have to make.

On balloting for the committee, Messrs. MACON, of North Carolina, and KING, of New York, were appointed; and the Senate adjourned.

TUESDAY, December 4.

ISHAM TALBOT, from the State of Kentucky, took his seat in the Senate.

WEDNESDAY, December 5.

HARRISON GRAY OTIS, from the State of Massachusetts, took his seat in the Senate.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and have elected PHILIP P. BARBOUR, one of the Representatives from the State of Virginia, their Speaker, and THOMAS DOUGHERTY their Clerk, and are ready to proceed to business. They have appointed a committee on their part, to join the committee appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them.

Mr. MACON reported, from the joint committee, that they had waited on the President of the United States, and that the President informed the committee that he would make a communication to the two Houses this day

President's Message.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*Fellow-citizens of the Senate
and of the House of Representatives:*

The progress of our affairs since the last session has been such as may justly be claimed and expected, under a Government deriving all its powers from an enlightened people, and under laws formed by their representatives, on great consideration, for the sole purpose of promoting the welfare and happiness of their constituents. In the execution of those laws,

and of the powers vested by the Constitution in the Executive, unremitting attention has been paid to the great objects to which they extend. In the concerns which are exclusively internal, there is good cause to be satisfied with the result. The laws have had their due operation and effect. In those relating to foreign powers, I am happy to state, that peace and amity are preserved with all, by a strict observance, on both sides, of the rights of each. In matters touching our commercial intercourse, where a difference of opinion has existed, as to the conditions on which it should be placed, each party has pursued its own policy, without giving just cause of offence to the other. In this annual communication, especially when it is addressed to a new Congress, the whole scope of our political concerns naturally comes into view; that errors, if such have been committed, may be corrected; that defects, which have become manifest, may be remedied; and, on the other hand, that measures which were adopted on due deliberation, and which experience has shown are just in themselves, and essential to the public welfare, should be persevered in and supported. In performing this necessary and very important duty, I shall endeavor to place before you, on its merits, every subject that is thought to be entitled to your particular attention, in as distinct and clear a light as I may be able.

By an act of the 8d of March, 1815, so much of the several acts as imposed higher duties on the tonnage of foreign vessels, and on the manufactures and productions of foreign nations, when imported into the United States in foreign vessels, than when imported in vessels of the United States, were repealed, so far as respected the manufactures and productions of the nation to which such vessels belonged, on the condition, that the repeal should take effect only in favor of any foreign nation, when the Executive should be satisfied that such discriminating duties, to the disadvantage of the United States, had likewise been repealed by such nation. By this act a proposition was made to all nations to place our commerce with each on a basis which, it was presumed, would be acceptable to all. Every nation was allowed to bring its manufactures and productions into our ports, and to take the manufactures and productions of the United States back to their ports, in their own vessels, on the same conditions that they might be transported in vessels of the United States; and, in return, it was required that a like accommodation should be granted to the vessels of the United States in the ports of other powers. The articles to be admitted, or prohibited on either side, formed no part of the proposed arrangement. Each party would retain the right to admit or prohibit such articles from the other, as it thought proper, and on its own conditions.

When the nature of the commerce between the United States and every other country was taken into view, it was thought that this proposition would be considered fair, and even liberal, by every power. The exports of the United States consists generally of articles of the first necessity, and of rude materials in demand for foreign manufactories, of great bulk, requiring for their transportation many vessels, the return for which, in the manufactures and productions of any foreign country, even when disposed of there to advantage, may be brought in a single vessel. This observation is the more especially applicable to those countries from which manufactures alone are imported, but it applies in a great extent to the Eu-

DECEMBER, 1821.]

President's Annual Message.

[SENATE.]

European dominions of every European power, and, in a certain extent, to all the colonies of those powers. By placing, then, the navigation precisely on the same ground, in the transportation of exports and imports between the United States and other countries, it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised, which would retain even the semblance of equality in our favor.

Many considerations of great weight, gave us a right to expect that this commerce should be extended to the colonies, as well as to the European dominions, of other powers. With the latter, especially with countries exclusively manufacturing, the advantage was manifestly on their side. An indemnity for that loss was expected from a trade with the colonies, and, with the greater reason, as it was known that the supplies which the colonies derived from us were of the highest importance to them, their labor being bestowed with so much greater profit in the culture of other articles; and because, likewise, the articles, of which those supplies consisted, forming so large a proportion of the exports of the United States, were never admitted into any of the ports of Europe, except in cases of great emergency, to avert a serious calamity. When no article is admitted which is not required to supply the wants of the party admitting it, and admitted then, not in favor of any particular country, to the disadvantage of others, but on conditions equally applicable to all, it seems just that the articles thus admitted and invited should be carried thither in the vessels of the country affording such supply, and that the reciprocity should be found in a corresponding accommodation on the other side. By allowing each party to participate in the transportation of such supplies, on the payment of equal tonnage, a strong proof was afforded of an accommodating spirit. To abandon to it the transportation of the whole, would be a sacrifice which ought not to be expected. The demand, in the present instance, would be the more unreasonable, in consideration of the great inequality existing in the trade with the parent country.

Such was the basis of our system, as established by the act of 1815, and such its true character. In the year in which this act was passed, a treaty was concluded with Great Britain, in strict conformity with its principles, in regard to her European dominions. To her colonies, however, in the West Indies and on this continent, it was not extended, the British Government claiming the exclusive supply of those colonies, and from our own ports, and of the productions of the colonies in return, in our own vessels. To this claim the United States could not assent, and, in consequence, each party suspended the intercourse in the vessels of the other, by a prohibition, which still exists.

The same conditions were offered to France, but not accepted. Her Government has demanded other conditions more favorable to her navigation, and which should also give extraordinary encouragement to her manufactures and productions in ports of the United States. To these it was thought improper to accede, and, in consequence, the restrictive regulations, which had been adopted on her part, being countervailed on the part of the United States, the direct commerce between the two countries, in the vessels of each party, has been in a great measure suspended. It is much to be regretted, that, although a negotiation has been long pending, such is the di-

versity of views entertained, on the various points which have been brought into discussion, that there does not appear to be any reasonable prospect of its early conclusion.

As little cause has the Government of France to complain of the seizure of the *Apollo*, and the removal of other vessels, from the waters of the *St. Mary's*. It will not be denied, that every nation has a right to regulate its commercial system as it thinks fit, and to enforce the collection of its revenue, provided it be done without an invasion of the rights of other powers. The violation of its revenue laws is an offence which all nations punish—the punishment of which gives no just cause of complaint to the power to which the offenders belong, provided it be extended to all equally. In this case, every circumstance which occurred indicated a fixed purpose to violate our revenue laws. Had the party intended to have pursued a fair trade, he would have entered our ports, and paid the duties; or, had he intended to carry on a legitimate circuitous commerce with the United States, he would have entered the port of some other power, landed his goods at the custom-house according to law, and reshipped and sent them in the vessel of such power, or of some other power which might lawfully bring them, free from such duties, to a port of the United States. But the conduct of the party in this case was altogether different. He entered the river *St. Mary's*, the boundary line between the United States and Florida, and took his position on the Spanish side, on which, in the whole extent of the river, there was no town, no port, no custom-house, and scarcely any settlement. His purpose, therefore, was not to sell his goods to the inhabitants of Florida, but to citizens of the United States, in exchange for their productions, which could not be done without a direct and palpable breach of our laws. It is known that a regular systematic plan had been formed by certain persons for the violation of our revenue system, which made it the more necessary to check the proceeding in its commencement.

That the unsettled bank of a river so remote from the Spanish garrisons and population could give no protection to any party, in such a practice, is believed to be in strict accord with the law of nations. It would not have comported with a friendly policy, in Spain herself, to have established a custom-house there, since it could have subverted no other purpose than to elude our revenue law. But, the Government of Spain did not adopt that measure. On the contrary, it is understood that the Captain General of Cuba, to whom an application to that effect was made, by these adventurers, had not acceded to it. The condition of those provinces for many years before they were ceded to the United States, need not, now, be dwelt on. Inhabited by different tribes of Indians, and an inroad for every kind of adventurer, the jurisdiction of Spain may be said to have been, almost exclusively, confined to her garrisons. It certainly could not extend to places where she had no authority. The rules, therefore, applicable to settled countries, governed by laws, could not be deemed so to the deserts of Florida, and to the occurrences there. It merits attention, also, that the territory had then been ceded to the United States by a treaty, the ratification of which had not been refused, and which has since been performed. Under any circumstances, therefore, Spain became less responsible for such acts committed there, and the United

States more at liberty to exercise authority to prevent so great a mischief. The conduct of this Government has, in every instance, been conciliatory and friendly to France. The construction of our revenue law, its application to the cases which have formed the ground of such serious complaint on her part, and the order to the Collector of St. Mary's, in accord with it, were given two years before these cases occurred, and in reference to a breach which was attempted by the subjects of another power. The application, therefore, to the case in question, was inevitable. As soon as the treaty, by which these provinces were ceded to the United States, was ratified, and all danger of further breach of our revenue laws ceased, an order was given for the release of the vessel, which had been seized, and for the dismissal of the libel which had been instituted against her.

The principles of this system of reciprocity, founded on the law of the 3d of March, 1815, have been since carried into effect with the kingdoms of the Netherlands, Sweden, Prussia, and with Hamburg, Bremen, Lubeck, and Oldenburg, with a provision made by subsequent laws, in regard to the Netherlands, Prussia, Hamburg, and Bremen, that such produce and manufactures, as could only be, or most usually were, first shipped from the ports of those countries, the same being imported in vessels wholly belonging to their subjects, should be considered and admitted as their own manufactures and productions.

The Government of Norway has, by an ordinance, opened the ports of that part of the dominions of the King of Sweden, to the vessels of the United States, upon the payment of no other or higher duties than are paid by Norwegian vessels, from whatever place arriving, and with whatever articles laden. They have requested the reciprocal allowances for the vessels of Norway in the ports of the United States. As this privilege is not within the scope of the act of the 3d of March, 1815, and can only be granted by Congress, and as it may involve the commercial relations of the United States with other nations, the subject is submitted to the wisdom of Congress.

I have presented thus fully to your view our commercial relations with other powers, that, seeing them in detail with each power, and knowing the basis on which they rest, Congress may, in its wisdom, decide whether any change ought to be made, and if any, in what respect. If this basis is unjust or unreasonable, surely it ought to be abandoned; but if it be just and reasonable, and any change in it will make concessions subversive of equality, and tending in its consequences to sap the foundations of our prosperity, then the reasons are equally strong, for adhering to the ground already taken, and supporting it by such further regulations as may appear to be proper, should any additional support be found necessary.

The question concerning the construction of the first article of the Treaty of Ghent has been, by a joint act of the representatives of the United States, and of Great Britain, at the Court of St. Petersburg, submitted to the decision of his Imperial Majesty the Emperor of Russia. The result of that submission has not yet been received. The Commissioners under the fifth article of that treaty not having been able to agree upon their decision, their reports to the two Governments, according to the provisions of the treaty, may be expected at an early day.

With Spain, the treaty of February 22, 1819, has

been partly carried into execution. Possession of East and West Florida has been given to the United States, but the officers charged with that service, by an order from His Catholic Majesty, delivered by his Minister to the Secretary of State, and transmitted by a special agent to the Captain General of Cuba, to whom it was directed, and in whom the government of those provinces was vested, have not only omitted, in contravention of the order of their Sovereign, the performance of the express stipulation, to deliver over the archives and documents relating to the property and sovereignty of those provinces, all of which it was expected would have been delivered, either before or when the troops were withdrawn, but defeated, since, every effort of the United States to obtain them, especially those of the greatest importance. This omission has given rise to several incidents of a painful nature, the character of which will be fully disclosed by the documents which will be hereafter communicated.*

In every other circumstance, the law of the 3d of March last, for carrying into effect that treaty, has been duly attended to. For the execution of that part which preserved in force, for the government of the inhabitants, for the term specified, all the civil, military, and judicial powers, exercised by the existing Government of those provinces, an adequate number of officers, as was presumed, were appointed, and ordered to their respective stations. Both provinces were formed into one territory, and a Governor appointed for it; but, in consideration of the pre-existing division, and of the distance and difficulty of communication between Pensacola, the residence of the Governor of West Florida, and St. Augustine, that of the Governor of East Florida, at which places the inconsiderable population of each province was principally collected, two Secretaries were appointed, the one to reside at Pensacola, and the other at St. Augustine. Due attention was likewise paid to the execution of the laws of the United States relating to the revenue and the slave trade, which were extended to these provinces. The whole territory was divided into three collection districts, that part lying between the river St. Mary's and Cape Florida, forming one; that from the Cape to the Apalachicola, another; and that from the Apalachicola to the Perdido, the third. To these districts the usual number of revenue officers were appointed; and, to secure the due operation of these laws, one judge and a dis-

* This paragraph, and the two following, relate to transactions at Pensacola, in which the Governor of the Florida, (General Jackson,) acting up to his commission with the powers of a Captain General of Cuba, and continuing the "existing Spanish Government" according to the act for the temporary government of the Florida, did things *militarily*, and had collisions with the ex-Spanish officers, and with the United States Territorial Judge, in which he gave practical evidence that the Territory (as the act for its temporary government provided) was governed quite independently of the Constitution of the United States, and just as it had been under the Spanish Government, all which (by way of complaint on the part of those who were *militarily* dealt with) came before the President and Congress, and will be seen in the progress of the debates, and have an interest beyond curiosity, as illustrating the manner in which a Territory may be governed, (under a government given it by Congress,) and very incompatibly with our constitution, which was in vain invoked by the astonished and enraged complainants.

DECEMBER, 1831.]

President's Annual Message.

[SENATE.]

strict attorney were appointed, to reside at Pensacola, and, likewise, one judge and a district attorney to reside at St. Augustine, with a specified boundary between them; and one marshal for the whole, with authority to appoint a deputy. In carrying this law into effect, and especially that part relating to the powers of the existing government of those provinces, it was thought important, in consideration of the short term for which it was to operate, and the radical change which would be made at the approaching session of Congress, to avoid expense, to make no appointment which should not be absolutely necessary to give effect to those powers, to withdraw none of our citizens from their pursuits, whereby to subject the Government to claims which could not be gratified, and the parties to losses, which it would be painful to witness.

It has been seen, with much concern, that, in the performance of these duties, a collision arose between the Governor of the Territory and the judge appointed for the western district. It was presumed that the law under which this transitory government was organized, and the commissions which were granted to the officers, who were appointed to execute each branch of the system, and to which the commissions were adapted, would have been understood in the same sense, by them, in which they were understood by the Executive. Much allowance is due to officers employed in each branch of this system, and the more so, as there is good cause to believe that each acted under the conviction, that he possessed the power which he undertook to exercise. Of the officer holding the principal station, I think it proper to observe, that he accepted it with reluctance, in compliance with the invitation given him, and from a high sense of duty to his country, being willing to contribute to the consummation of an event which would insure complete protection to an important part of our Union, which had suffered much from incursion and invasion, and to the defence of which his very gallant and patriotic services had been so signally and usefully devoted.

From the intrinsic difficulty of executing laws deriving their origin from different sources, and so essentially different in many important circumstances, the advantage, and, indeed, the necessity, of establishing, as soon as may be practicable, a well-organized government over that Territory, on the principles of our system, is apparent.* This subject is there-

* The temporary government established at taking possession of the Floridas was on the Spanish system, to wit: a continuation of the existing Spanish Government, to be administered by such persons as the President should direct. General Jackson was appointed the first Governor, and was commissioned as Captain General and Intendant of Cuba, and as Governor of East and West Florida. It was in the exercise of these high powers, as held by Spanish officers, that these collisions took place to which the President alludes, and which made it the more necessary to give Florida a Territorial Government based upon our own system; that is to say, on the ordinance of 1787, which was done at this session. The study of the legislation of Congress in giving, first the Spanish and then our own for the Territorial Government of Florida, and the doings and decisions under it, furnish the highest illustration of Congressional power over Territories, and the nullity of their rights under the constitution, which the wit of man could have devised. This illustration will be noted in its successive degrees as this abridgment proceeds.

fore recommended to the early consideration of Congress.

In compliance with an injunction of the law of the 3d of March last, three Commissioners have also been appointed, and a board organized for carrying into effect the eleventh article of the treaty above recited, making provision for the payment of such of our citizens as have well-founded claims on Spain, of the character specified by that treaty. This board has entered on its duties, and made some progress therein. The Commissioner and Surveyor of His Catholic Majesty, provided for by the fourth article of the treaty, have not yet arrived in the United States, but are soon expected. As soon as they do arrive, corresponding appointments will be made, and every facility be afforded, for the due execution of this service.

The Government of His Most Faithful Majesty, since the termination of the last session of Congress, has been removed from Rio de Janeiro to Lisbon, where a revolution, similar to that which had occurred in the neighboring kingdom of Spain, had, in like manner, been sanctioned by the accepted and pledged faith of the reigning monarch. The diplomatic intercourse between the United States and the Portuguese dominions, interrupted by this important event, has not yet been resumed, but the change of internal administration having already materially affected the commercial intercourse of the United States with the Portuguese dominions, the renewal of the public missions between the two countries appears to be desirable at an early day.

It is understood that the colonies in South America have had great success during the present year, in the struggle for their independence. The new Government of Colombia has extended its territories, and considerably augmented its strength; and, at Buenos Ayres, where civil dissensions had for some time before prevailed, greater harmony and better order appear to have been established. Equal success has attended their efforts in the provinces on the Pacific. It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no conditions short of their independence would be satisfactory to them. It may therefore be presumed, and it is earnestly hoped, that the Government of Spain, guided by enlightened and liberal counsels, will find it to comport with its interests, and due to its magnanimity, to terminate this exhausting controversy on that basis. To promote this result, by friendly counsel with the Government of Spain, will be the object of the Government of the United States.

In conducting the fiscal operations of the year, it has been found necessary to carry into full effect the act of the last session of Congress, authorizing a loan of five millions of dollars. This sum has been raised at an average premium of five dollars fifty-nine hundredths per centum, upon stock bearing an interest at the rate of five per cent. per annum, redeemable at the option of the Government after the first day of January, one thousand eight hundred and thirty-five.

There has been issued, under the provisions of this act, four millions seven hundred and thirty-five thousand two hundred and ninety-six dollars and thirty cents, of five per cent. stock; and there has been, or will be redeemed, during the year, three millions one hundred and ninety-seven thousand thirty dollars and seventy-one cents of Louisiana six per cent. deferred

stock and Mississippi stock. There has, therefore, been an actual increase of the public debt, contracted during the year, of one million five hundred and thirty-eight thousand two hundred and sixty-six dollars and sixty-nine cents.

The receipts into the Treasury, from the first of January to the thirtieth of September last, have amounted to sixteen millions two hundred and nineteen thousand one hundred and ninety-seven dollars and seventy cents, which, with the balance of one million one hundred and ninety-eight thousand four hundred and sixty-one dollars and twenty-one cents, in the Treasury on the former day, make the aggregate sum of seventeen millions four hundred and seventeen thousand six hundred and fifty-eight dollars and ninety-one cents.

The payments from the Treasury during the same period have amounted to fifteen millions six hundred and fifty-five thousand two hundred and eighty-eight dollars forty-seven cents, leaving in the Treasury, on the last-mentioned day, the sum of one million seven hundred and sixty-two thousand three hundred and seventy dollars forty-four cents. It is estimated that the receipts of the fourth quarter of the year will exceed the demands which will be made on the Treasury during the same period, and that the amount in the Treasury on the 30th of September last will be increased on the first day of January next.

At the close of the last session, it was anticipated that the progressive diminution of the public revenue in 1819 and 1820, which had been the result of the languid state of our foreign commerce in those years, had, in the latter year, reached its extreme point of depression. It has, however, been ascertained that that point was reached only at the termination of the first quarter of the present year. From that time until the 20th of September last, the duties secured have exceeded those of the corresponding quarters of the last year, one million one hundred and seventy-two thousand dollars; whilst the amount of debentures, issued during the three first quarters of this year, is nine hundred and fifty-two thousand dollars less than that of the same quarters of the last year.

There are just grounds to believe that the improvement which has occurred in the revenue, during the last-mentioned period, will not only be maintained, but that it will progressively increase through the next and several succeeding years, so as to realize the results which were presented upon that subject, by the official reports of the Treasury, at the commencement of the last session of Congress.

Under the influence of the most unfavorable circumstances, the revenue, for the next and subsequent years, to the year 1825, will exceed the demands at present authorized by law.

It may fairly be presumed that, under the protection given to domestic manufactures, by the existing laws, we shall become, at no distant period, a manufacturing country, on an extensive scale. Possessing, as we do, the raw materials in such vast amount, with a capacity to augment them to an indefinite extent; raising within the country aliment of every kind, to an amount far exceeding the demand for home consumption, even in the most unfavorable years, and to be obtained always at a very moderate price; skilled also, as our people are, in the mechanic arts, and in every improvement calculated to lessen the demand for, and the price of labor, it is manifest that their success, in every branch of domestic in-

dustry, may and will be carried, under the encouragement given by the present duties, to an extent to meet any demand, which, under a fair competition, may be made upon it.

A considerable increase of domestic manufactures, by diminishing the importation of foreign, will probably tend to lessen the amount of the public revenue. As, however, a large proportion of the revenue which is derived from duties is raised from other articles than manufactures, the demand for which will increase with our population, it is believed that a fund will still be raised from that source adequate to the greater part of the public expenditures, especially as those expenditures, should we continue to be blessed with peace, will be diminished by the completion of the fortifications, dock-yards, and other public works; by the augmentation of the Navy to the point to which it is proposed to carry it; and by the payment of the public debt, including pensions for military services.

It cannot be doubted that the more complete our internal resources, and the less dependent we are on foreign powers for every national as well as domestic purpose, the greater and more stable will be the public felicity. By the increase of domestic manufactures will the demand for the rude materials at home be increased, and thus will the dependence of the several parts of our Union on each other, and the strength of the Union itself, be proportionably augmented. In this process, which is very desirable, and inevitable under the existing duties, the resources which obviously present themselves to supply a deficiency in the revenue, should it occur, are the interests which may derive the principal benefit from the change. If domestic manufactures are raised by duties on foreign, the deficiency in the fund necessary for public purposes should be supplied by duties on the former. At the last session it seemed doubtful whether the revenue derived from the present sources would be adequate to all the great purposes of our Union, including the construction of our fortifications, the augmentation of the Navy, and the protection of our commerce against the dangers to which it is exposed. Had the deficiency been such as to subject us to the necessity, either to abandon those measures of defence, or to resort to other means for adequate funds, the course presented to the adoption of a virtuous and enlightened people appeared to be a plain one. It must be gratifying to all to know that this necessity does not exist. Nothing, however, in contemplation of such important objects, which can be easily provided for, should be left to hazard. It is thought that the revenue may receive an augmentation from the existing sources, and in a manner to aid our manufactures, without hastening prematurely the result which has been suggested. It is believed that a moderate additional duty on certain articles would have that effect, without being liable to any serious objection.

The examination of the whole coast, for the construction of permanent fortifications, from St. Croix to the Sabine, with the exception of part of the territory lately acquired, will be completed in the present year, as will be the survey of the Mississippi, under the resolution of the House of Representatives, from the mouth of the Ohio to the ocean—and, likewise, of the Ohio, from Louisville to the Mississippi. A progress, corresponding with the sums appropriated, has also been made in the construction of these fortifications at the points designated. As they will form a system

DECEMBER, 1821.]

Classification of Missouri Senators.

[SENATE]

of defence for the whole maritime frontier, and, in consequence, for the interior, and are to last for ages, the greatest care has been taken to fix the position of each work, and to form it on such a scale as will be adequate for the purpose intended by it. All the inlets and available parts of our Union have been minutely examined, and positions taken, with a view to the best effect, observing, in every instance, a just regard for economy. Doubts, however, being entertained, as to the propriety of the position and extent of the work at Dauphin Island, further progress in it was suspended, soon after the last session of Congress, and an order given to the Board of Engineers and Naval Commissioners to make a further and more minute examination of it, in both respects, and to report the result, without delay.

Due progress has been made in the construction of vessels of war, according to the law providing for the gradual augmentation of the Navy, and to the extent of existing appropriations. The vessels authorized by the act of 1820 have all been completed, and are now in actual service. None of the larger ships have been, or will be launched, for the present, the object being to protect all which may not be required for immediate service, from decay, by suitable buildings erected over them. A squadron has been maintained, as heretofore, in the Mediterranean, by means whereof peace has been preserved with the Barbary powers. This squadron has been reduced the present year to as small a force as is compatible with the fulfilment of the object intended by it. From past experience, and the best information respecting the views of those powers, it is distinctly understood that, should our squadron be withdrawn, they would soon recommence their hostilities and depredations upon our commerce. Their fortifications have lately been rebuilt, and their maritime force increased. It has also been found necessary to maintain a naval force on the Pacific, for the protection of the very important interests of our citizens engaged in commerce and the fisheries in that sea. Vessels have likewise been employed in cruising along the Atlantic coast, in the Gulf of Mexico, on the coast of Africa, and in the neighboring seas. In the latter, many piracies have been committed on our commerce, and so extensive was becoming the range of those unprincipled adventurers, that there was cause to apprehend, without a timely and decisive effort to suppress them, the worst consequences would ensue. Fortunately, a considerable check has been given to that spirit by our cruisers, who have succeeded in capturing and destroying several of their vessels. Nevertheless, it is considered an object of high importance to continue these cruises until the practice is entirely suppressed. Like success has attended our efforts to suppress the slave-trade. Under the flag of the United States, and the sanction of their papers, the trade may be considered as entirely suppressed; and, if any of our citizens are engaged in it, under the flag and papers of other powers, it is only from a respect to the rights of those powers, that these offenders are not seized and brought home, to receive the punishment which the laws inflict. If every other power should adopt the same policy, and pursue the same vigorous means for carrying it into effect, the trade could no longer exist.

Deeply impressed with the blessings which we enjoy, and of which we have such manifold proofs, my mind is irresistibly drawn to that Almighty Being, the great source from whence they proceed, and

to whom our most grateful acknowledgments are due.

JAMES MONROE.

WASHINGTON, Dec. 5, 1821.

The Message and accompanying documents were read, and three thousand copies of the Message ordered to be printed for the use of the Senate.

THURSDAY, December 6.

THOMAS H. BENTON, appointed a Senator by the Legislature of the State of Missouri, produced his credentials, was qualified, and took his seat in the Senate.

Classification of Missouri Senators.

On motion by Mr. PARROTT,

Resolved, That the Senate proceed to ascertain the classes in which the Senators from the State of Missouri shall be inserted, in conformity to the resolution of the 14th of May, 1789, and as the constitution requires.

That the Secretary put into the ballot-box two papers of equal size, one of which shall be numbered two, and the other shall be numbered three, and each Senator shall draw out one paper; that the Senator who shall draw the paper numbered two shall be inserted in the class of Senators whose term of service will expire on the third day of March, 1825; and that the Senator who shall draw the paper numbered three, shall be inserted in the class of Senators whose term of service will expire on the 8d day of March, 1827.

Whereupon, the numbers above mentioned were, by the Secretary, rolled up and put into the box; when Mr. BARTON drew number two, and is accordingly of the class of Senators whose term of service will expire on the 8d of March, 1825; and Mr. BENTON drew number three, and is accordingly of the class of Senators whose term of service will expire on the 8d of March, 1827.

On motion of Mr. LOWRIE, two thousand copies of the documents accompanying the Message of the President of the United States, of the 5th instant, were ordered to be printed for the use of the Senate.

MONDAY, December 10.

JOHN ELLIOTT, from the State of Georgia, who arrived on the 7th, and also JOHN W. WALKER, from the State of Alabama, who arrived on the 8th instant, severally attended this day.

TUESDAY, December 11.

NICHOLAS WARE, appointed a Senator by the Legislature of the State of Georgia, to fill the vacancy occasioned by the resignation of Freeman Walker, produced his credentials, was qualified, and took his seat in the Senate.

WILLIAM R. KING, from the State of Alabama, who arrived on the 6th instant, attended this day.

A message from the House of Representatives informed the Senate that they have concurred in the resolution of the Senate for the appointment of Chaplains, and have appointed the Rev. JARED SPARKS Chaplain on their part.

On motion, by Mr. BARBOUR, the Senate proceeded to the election of a Chaplain on their part; and, on counting the ballots, it appeared that the Rev. WILLIAM RYLAND was duly elected.

THURSDAY, December 18.

Death of Mr. Trimble.

Mr. RUGGLES announced the death of WILLIAM A. TRIMBLE, a Senator from the State of Ohio, who deceased this morning.

On motion, by Mr. TALBOT,

Resolved, That a committee be appointed to take order for superintending the funeral of the honorable William A. Trimble, and that the Senate will attend the same, and that notice of the event be given to the House of Representatives.

Ordered, That Messrs. BARBOUR, LOWRIE, NOBLE, TALBOT, and THOMAS, be the committee.

On motion, by Mr. TALBOT,

Resolved, unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the honorable William A. Trimble, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing a crape round the left arm.

On motion, by Mr. TALBOT,

Resolved, unanimously, That, as an additional mark of respect for the memory of the honorable William A. Trimble, the Senate do now adjourn.

And the Senate adjourned.

FRIDAY, December 14.

ELIJAH H. MILLS, from the State of Massachusetts, whose credentials were read and filed during the last session, and who arrived on the 12th inst., attended this day, was qualified, and took his seat in the Senate.

The Senate adjourned to Monday.

MONDAY, December 17.

NICHOLAS VAN DYKE, from the State of Delaware, who arrived on the 15th instant, attended this day.

WILLIAM FINDLAY, appointed a Senator by the Legislature of the Commonwealth of Pennsylvania, for the term of six years, commencing on the fourth day of March last, produced his credentials, was qualified, and took his seat in the Senate.

On motion of Mr. RUGGLES, the President of the Senate was requested to notify the Executive of the State of Ohio of the death of the honorable WILLIAM A. TRIMBLE, late a Senator of the United States from that State.

WEDNESDAY, December 19.

NINIAN EDWARDS, from the State of Illinois,

arrived on the 17th instant, and attended this day.

FRIDAY, December 28.

The VICE PRESIDENT of the United States DANIEL D. TOMPKINS, attended.

WEDNESDAY, January 2, 1822.

Rules and Orders.

Mr. KING, of New York, also laid on the table the following resolution:

Resolved, That a committee be appointed on the part of the Senate, jointly with one to be appointed on the part of the House of Representatives, to revise the rules and orders by which the business between the two Houses shall be regulated, and to make report thereof to their two Houses respectively.

Mr. KING said he offered this motion on the presumption that the House of Representatives would meet it by the appointment of a committee on its part. He adverted to the inconvenience, and, indeed, the evils which attended the present loose mode of transacting the public business between the two Houses, according to which it often occurred that bills of importance, even appropriation bills, arrived from the other House, for the concurrence of the Senate, on the day before the last, and sometimes on the very last day of the session; of course, if they passed at all, they must be hurried through without the possibility of bestowing on them that degree of investigation and consideration which were necessary and proper. The impropriety of this course was apparent, Mr. K. presumed, and it was with a view to its correction, that he submitted the present motion. His idea was, that no bill ought to be sent from either House to the other for concurrence on either of the two last days of the session.

MONDAY, January 7.

EDWARD LLOYD, from the State of Maryland, took his seat in the Senate; and also, WILLIAM PINKNEY, appointed a Senator by the Legislature of the State of Maryland, for the term of six years, commencing on the fourth day of March last, produced his credentials, was qualified, and took his seat in the Senate.

TUESDAY, January 8.

Military Roads.

Mr. JOHNSON, of Louisiana, laid on the table the following resolutions:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing by law for the repairing and the preservation of the military road, beginning at Madisonville, in the State of Louisiana, and terminating at Florence, on the Tennessee River.

In offering this resolve, Mr. JOHNSON said the object of the resolution he submitted was to provide for the repairing of the great military road leading from Madisonville, in the State of Louisiana, to Florence, in the State of Alabama.

JANUARY, 1832.]

Amendment to the Constitution.

[SENATE.]

That this road, which he considered among the most important in the Union, was opened by the troops of the United States, under the command and direction of Major General Jackson, to whom great credit is due, not only for the origin of the plan, but for the personal attention bestowed by him in marking out and constructing it. He was of opinion that perhaps no national work had been accomplished which is calculated to be of more general utility; that its importance is not confined to the States of Louisiana, Mississippi, Alabama, and Tennessee—the whole Western country, he said, is interested in seeing it kept in repair; that it is designed to be one of the most important military highways in the United States; that, in time of war, the necessity of it would be evident, in facilitating the collection and transportation of our physical force and military supplies. He stated that it had been established some time since, by an act of Congress, as a post road, and that it is desirable that the proper steps should be immediately adopted for the transportation of the mail to and from New Orleans by this route, in covered carriages; that the distance from Nashville to New Orleans, by this road, is, as he was informed, about three hundred and fifty miles less than the route formerly travelled.

But, he added, that the road is now almost unfit for use; that the bridges had, from necessity, been made of green wood, and are decaying; and that, unless provision should be made for keeping them in repair, and removing the timber which had fallen in the road, it would soon be abandoned: that the greater portion of the country through which it passes is a wilderness nearly uninhabited, owned by Indians, and by the United States; and that, consequently, it could only be repaired and preserved by the authority of the General Government.

Mr. J. said, that, as to the best mode of effecting the object in view, whether it should be accomplished by employing the troops of the United States, or by establishing a turnpike and fixing a toll, or by other means, he was not prepared to say; that perhaps it would be deemed most expedient to establish a turnpike, and to allow a toll; that he thought it a proper subject for the inquiry of a committee.

THURSDAY, January 10.

Mr. GAILLARD submitted the following motion for consideration:

Amend the 22d rule for conducting business in the Senate, by striking out all after the word "Chair," and by inserting, in lieu thereof, the following:

"And the Vice President, when indisposed at the Seat of Government, may name, in writing, a Senator who shall preside in his stead; in which case an entry thereof shall be made on the Journal of the Senate; but in no case shall any substitution extend beyond an adjournment."

Mr. LLOYD submitted the following motion for consideration:

Vol. VII.—10

Resolved, That the appropriations of territory, for the purpose of education, should be made to those States in whose favor no such appropriations have been made, corresponding in a just proportion with those heretofore made to other States in the Union.

Resolved, That the foregoing resolution be referred to a select committee, with instructions to report a bill pursuant thereto.

Uniform System of Bankruptcy.

Mr. LLOYD presented the memorial of the Chamber of Commerce of the city of Baltimore, praying for the passage of a law establishing a uniform system of bankruptcy; the memorial was read, and referred to the Committee on the Judiciary.

MONDAY, January 14.

Amendment to the Constitution.

The Senate then proceeded, according to the order of the day, to the consideration of the following resolution, submitted by Mr. R. M. JOHNSON, of Kentucky, on the 12th of December:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the said constitution:

"That, in all controversies where the judicial power of the United States shall be so construed as to extend to any case in law or equity, arising under the constitution, the laws of the United States, or treaties made, or which shall be made, under their authority, and to which a State shall be a party; and in all controversies in which a State may desire to become a party, in consequence of having the constitution or laws of such State questioned, the Senate of the United States shall have appellate jurisdiction."

Mr. JOHNSON said, the Constitution of the United States contains a clause, prescribing the manner in which amendments may be obtained. This is conclusive evidence that the wise men who framed it were of opinion that experience would develop imperfections in the system, which might require a remedy. The models of antiquity, with all the improvements of modern times, in relation to confederated governments, were before them. The Amphyctonic Council, by which the republics of Greece were united; the Achaean league, which so long governed the cities of Achaia; the confederation of the Germanic Empire, and the Belgic confederacy, which prevailed in the provinces of the Netherlands, all furnished examples for their improvement.

When the struggle for independence, which had been their bond of union, was past, and clashing interests began to provoke animosities, it was obvious to all, that, under the articles of the Old Confederation, the General Government was too feeble for the purposes of national

prosperity; and all concurred in the sentiment, that some change was necessary. The only question was, how great that change should be? The difficulty, and the sole difficulty, was, to determine the proper distribution of power. How to divide the sovereignty between two distinct governments, deriving their authority from the same source, each supreme within its own legitimate sphere of action, and yet so to regulate and define the power of both as to produce perfect concord, was the great political problem to be solved by the statesmen of that day. It was not to be expected that the first experiment would perfectly effect this object. If it was anticipated by any, disappointment has followed the utopian delusion. The highest tribute of respect, however, is due to the wisdom of the patriots who framed the constitution, in so arranging this complicated machinery of a sovereignty within sovereignties, as to admit of that degree of harmony which has prevailed; but there is a limit to the intellect of man. All that wisdom and patriotism could do, they have done; but imperfections which human sagacity could not foresee, were to be developed by experience, and the corrective applied by mutual consent.

It is admitted by all, that the States and General Government possess concurrent powers; that they also possess powers exclusive of each other; and that the Federal Constitution prescribes limitations upon both. In this complex system, disorders are to be expected; some, of an incidental nature, not easily controlled; others, that admit a remedy. After an experience of thirty-two years, it becomes our imperative duty to begin this inquiry, relative to the conflicts between the Federal judiciary and the sovereignty of the States. These conflicts are become so frequent and alarming, that the public safety demands an investigation, that it may be determined where the error lies. Unless we point out the real difficulty, and ascertain the just claims of each party, we shall be overspread with Egyptian darkness. When the parties are not agreed upon the line which divides their powers, the question is, which shall preponderate, and which shall concede? The States claim authority which the Federal judiciary denies, and the Federal judiciary exercises powers which the States do not acknowledge to be legitimate. There is no umpire to decide between them; and the difficulty is, to determine which shall submit. It is contended on the one part, that, as the General Government was instituted for national purposes, its claims to the highest supremacy must be superior to those of the States; and that it is an essential attribute of national sovereignty, that its judiciary shall be the judge of its own powers, and shall have authority to overrule every other tribunal, according to its own sovereign will and pleasure. But this argument cuts like the two-edged sword, and furnishes a position quite as strong in favor of the States. It is not denied, that all power not delegated to Con-

gress, nor prohibited to the States, is reserved to the States respectively, or to the people; that the States are also supreme and independent within the orbit of their powers. If, then, it is the attribute of sovereignty to judge of its own powers, where is the sovereignty of the States, if that judgment must be submitted to the Federal judiciary? The argument is precisely the same in both cases, and may be called an argument in a circle.

It is contended by some of the States, Virginia, for instance, that the States have superior claims to an exclusive decision in all cases of conflicting power. The States are the original fountain of power, a portion of which they have delegated and vested in a General Government, for objects common to all. The General Government is the creature of the States, and exists by their permission. Then, as it is a principle universally acknowledged, in religion and morality, that the creator is superior to the created, so it is contended that the States have the indubitable right of exclusive decision in all cases of conflict, whether they respect a violation of the delegated powers, or the exercise of that authority which is reserved to the States respectively, or to the people. To say the least of it, there is much plausibility in this argument. But, it involves a difficulty as to the manner in which this right of decision shall be exercised. If each State shall decide separately, confusion would probably arise from contradictory decisions on the same point, in different States; but even this objection may have more plausibility than substance. Should the States attempt to exercise any of the specific powers granted exclusively to Congress, or to arrest the General Government in the exercise of power expressly delegated, the consequence might be unfortunate; but, in reviewing the conduct of the States, and marking the particular points of contact, it does not appear, from the history of our Government, that the States have, in any one case, attempted this, though the Federal judiciary has assumed a guardianship over the States, even to the controlling of their peculiar municipal regulations. If the States have the right of decision, there is a difficulty in giving their decision an efficacious operation. If it belongs to them collectively, there must be a regular method of ascertaining and promulgating their decisions.

In the cases of collision between Pennsylvania and the General Government, much was said and written respecting the rights of the parties, and the necessity of a tribunal that could remedy the evil. It appears, from the decisions of her State courts, the periodical publications, and official documents of that day, that Pennsylvania recognized and claimed an equality of right with the General Government, to decide in constitutional cases affecting her sovereignty; that, in serious collisions, an umpire was necessary; and that no tribunal was more proper than this body. This doctrine is universally acknowledged as a correct maxim

JANUARY, 1822.]

Amendment to the Constitution.

[SENATE.]

betwixt civilized nations, and is sometimes resorted to for the amicable settlement of disputes between them. Assuming the Pennsylvania position, and the conclusion is irresistible, that the parties being equally sovereign within their circle of power, it is a flagrant outrage to justice, a violation of every principle of equity, for one to arrogate to itself the exclusive power of judging in all cases of disagreement.

At this time there is, unfortunately, a want of confidence in the Federal Judiciary, in cases that involve political power; and this distrust may be carried to other cases, such as the lawyers call *meum et tuum*. It is the opinion of many eminent statesmen that there is a manifest disposition, on the part of the Federal Judiciary, to enlarge, to the utmost stretch of constitutional construction, the powers of the General Government, at least in that branch, and by consequence to abridge the jurisdiction of State tribunals. I do not assert this to be the fact; but, if it is not, we should adopt some method, if practicable, to remove these ill-founded suspicions. The desire of extending our own power is a universal law in our nature, to which the just and the unjust, the wise and the foolish, are all subject, though in unequal degrees; and I do not design in any way to impugn the learned members of the bench, when I admit the possibility of the same propensity remaining with them. It has found its way to elevation in other countries, and to prevent its influence here, some rational method should be devised to define and regulate that power. Political power, properly divided into co-ordinate branches, and judiciously regulated, produces happy results—but, when sovereign and irresponsible, it carries in its train the wreck of human happiness—desolation marks its bloody progress, for with it moral and physical power are always blended. The blessings of a good government furnish themes of rejoicing and praise; but the curses of a bad government bring sorrow to the heart. The history of nations furnishes us with instructive lessons, while we trace the hand of tyranny in the fall of empires, but the love of power is a principle still in operation, and no premonitions can teach us moderation. It begins with childhood, and does not cease with age. It is the belligerent principle which predominates in the social circle, and genders strife where perfect peace should reign. It is the prolific source of war with independent communities, which has spread desolation over countries and stained the whole world with blood. Uncontrolled, it is inordinate ambition; properly regulated, it is emulation. If we did not know this to be the character of man, delineated in all his history, we might indulge the hope of everlasting repose, under our mild institutions. Happy would be our lot, if every department should confine itself to the faithful performance of its own functions, carefully avoiding all interference with others, or even the exercise of doubtful power; but the history of the present times

furnishes us with memorable examples of the reverse, and teaches us to anticipate no such repose. We must take human nature as it is; and to be secure from danger, it is necessary to provide against the encroachment of power in one department upon another, and, in all, upon the rights of the people.

It is a principle interwoven both in the theory and practice of our Government, that every department which exercises political power shall be responsible to the people. Here lies our safety and our strength. Representation and responsibility must go hand in hand, bone of her bone and flesh of her flesh. The republics of Greece and Rome were ignorant of the force of this principle, and practised it to a very limited extent. After the abolition of monarchy in Athens, the *Archons* were elected annually by the people. The *Ephori* of Sparta were elected in the same way, and the Romans elected their *Tribunes*; but all those were a kind of executive officers. In each of those Governments the people, *en masse*, were assembled to decide on public affairs, and each State had a Senate permanent in office and independent of the people. In modern days the principle of representation has been but very imperfectly understood among the nations of Europe, except in England, where it was introduced as early as the ninth century, in the reign of Alfred, and has been perpetuated in some form to the present time. But, though the theory of representation and responsibility has been taught there, the practice has been but imperfectly regarded. It has been so limited and so defective in its operation, that its benefits are almost entirely lost, and the forms only preserved. In the United States alone, whose Government presents to the world a model of excellence, and is the anchor of hope to man, the theory and practice are united in every department of the Government except the judiciary. This exception may satisfy the mind that it was never designed to confide political or legislative power to that department, especially the power of repealing laws enacted by the legislative departments, both of the General Government and the States. The execution of the laws is the only power intended to be confided to the court; and this will furnish ample scope for the exercise of discretion. If the judges were content to confine their decisions to cases affecting property and punishing crimes according to the laws, few would complain of their responsibility. If bad laws are enacted, the people will correct the evil; and if by an incorrect adjudication or misconstruction of law, individual injury should be sustained, yet the fundamental principles of our Government would not be endangered. On this principle alone can this kind of independence of the judges be tolerated with safety in a free Government. The members of the legislative department of our Government are directly responsible to the people and to the States—which responsibility is carefully preserved upon

the principle that the trustee may possibly abuse his trust; and, to remedy the evil, the people have wisely reserved the power in their own hands. When the sedition law was enacted, this law was applied. The President of the United States, the Governors of States, and the members of their Legislatures, all hold their offices for limited terms, that they may feel their responsibility to the people, from whom their power is derived, and for whose benefit it is exercised. Why are they not all elected for life, or during good behavior? The reason is obvious. Because they exercise political power, which may be abused. By corruption of motive, or by the indulgence of sentiments unfriendly to liberty, they may betray the trust reposed in them; and their amenability to their sovereigns, the people, is the only sure safeguard of the rights of man. It then follows, inevitably, that the judiciary should be confined to the decision upon the laws, or that the judges should feel the same responsibility; and, if this is not done, some tribunal should be established, responsible to the people, to correct their aberrations.

It may be denied by some that the judiciary exercises legislative or judicial powers. If a judge can repeal a law of Congress, by declaring it unconstitutional, is not this the exercise of political power? If he can declare the laws of a State unconstitutional and void, and, in one moment, subvert the deliberate policy of that State for twenty-four years, as in Kentucky, affecting its whole landed property, even to the mutilation of the tenure upon which it is held, and on which every paternal inheritance is founded; is not this the exercise of political power? All this they have done, and no earthly power can investigate or revoke their decisions. If this is not the exercise of political power, I would be gratified to learn the definition of the term, as contradistinguished from judicial power. If the exercise of such tremendous powers be legitimate, their acts, like those of all other trustees of power, should be subject to the sanction or revocation of the people; if not by a direct responsibility, yet by an appeal to a tribunal that is responsible. If, on the contrary, this exercise of power is an act of usurpation, the case is yet more alarming; for the judges hold their offices during good behavior, and bad opinion is not bad behavior, and the opinion of the court is a law, and above all other law. A judge can be removed by impeachment for treason and other high crimes and misdemeanors; and in case of impeachment by the other House, two-thirds of this body must concur to effect his removal. The difficulty of removing a judge in this way is such that it will seldom be attempted; and experience tells us it will more rarely succeed.

The passions and propensities of human nature, with all their imperfections, are alike common to every rank and condition; and to prevent their ill effects in a little number, where any particular excitement is more likely to be-

come general than with a large body, responsibility is necessary, or competency in some other body to reverse their destinies. Judges, like other men, have their political views. One may be friendly to consolidation; another may err on the opposite extreme, and a third may prefer that happy mediocrity, which is always safe, and generally salutary. When these are associated upon the bench, and each under the influence of his own partiality, there will inevitably be as different conclusions among them where State sovereignty is involved, or the extent of Federal jurisdiction is called in question, as if they were members of a legislative body. Why then should they be considered any more infallible, or their decisions any less subject to investigation and reversion? Besides the differences arising from political prepossessions, the various structures of the human mind will produce a variety of opinion. One may take an expansive view of a subject, and base his decision upon truth and justice; another may be, what is sometimes called a *technical judge*; and though of equal integrity, may conceive it his duty to stick to the bark of the case, and confine himself in all decisions to the forms of judicial proceedings. This difference in the organization of the mind must necessarily result in a difference of conclusion. Courts, also, like cities and villages, or like legislative bodies, will sometimes have their leaders; and it may happen, that a single individual will be the prime cause of a decision to overturn the deliberate act of a whole State, or of the United States; yet we are admonished to receive their opinions as the ancients did the responses of the Delphic oracle; or the Jews, with more propriety, the communications from Heaven, delivered by *Urim* and *Thummim*, to the High Priest of God's chosen people from the *sanctum sanctorum*. Other causes of difference might be multiplied to a tedious extent; but enough has been said to show that judges, who, like other men, are subject to the frailties, the passions, the partialities, and antipathies incident to human nature, should not be exempted from responsibility on account of their superior integrity, learning, and capacity; or that their decisions should be subject to revision by some competent tribunal, responsible to the people. It is believed that this is the opinion of that great and good man who penned the Declaration of Independence, and who now enjoys, in the shades of Monticello, the blessings of the principles which it contains.

It is not pretended that judges are worse than other men. I am proud to say, that no country was ever blessed with more talents or integrity upon the bench than this; but the judicial history of all civilized nations confirms the allegation, that, under the same circumstances, judges are just like other men. The theory of our judiciary may teach us that "a judge is just, a chancellor juster still;" but experience teaches us, that perfection resides nowhere in this world, no, not even on the bench. We

JANUARY, 1822.]

Amendment to the Constitution.

[SENATE.]

have borrowed from Great Britain the idea of judicial independence. Previous to the reign of William and Mary, the judges were tenants at the will of the monarch. The King, who was "more wise, more just, more learned, more every thing," was considered the fountain of justice, and it was his prerogative to administer it to the people. In early times, he dispensed justice in his own person; but this being too laborious, he appointed his judges, and fixed their compensation. The tenure of their office and the amount of their salaries were alike dependent upon his pleasure. The creature was responsible to his creator both for existence and support: and interest and necessity conspired to induce obedience to his will. The judiciary thus became an instrument of cruelty in his hands. The legislature, the army, and the court, on many occasions, were alike the implements of royal vengeance, to sustain the divine right of kings. It was the judgment of a court that doomed the immortal Socrates to drink the hemlock. When the Roman tyrant could no longer use a hired soldiery to immolate the victims of his jealousy, he resorted to courts of law. When Henry VIII., of England, would exercise a cruel despotism under the forms of a free constitution, the army, the court, and the Parliament, were the potent engines that sustained him. When Mary, his daughter, compelled the Protestants to seal their testimony at the stake, the court gave sanction to the murderous deeds. Her sister and successor, Elizabeth, created the court of high commission, and formally invested it with inquisitorial power. She also supported the arbitrary edicts of the Star Chamber. The Puritans, because obnoxious to the free exercise of the prerogatives of the Crown, were imprisoned and dispersed by process of law, and the judges were the supporters of her despotic power. When she would destroy her unfortunate kinswoman, the Queen of Scots, the judges were instructed to condemn her, and by their sentence she came to the block. This horrid deed was covered by the cloak of judicial proceedings. When Charles I. determined to change the religion of Scotland, he made use of the court of high commission to effect the object. By the same judicial power, the advocates for the doctrines of the reformation have so often been divested of their religious privileges, and doomed to seal with their blood that religion which bore them triumphantly through the vale of death.

Those facts are not exhibited to derogate from the character of the judiciary, but to show that no truth is more universally established in history; that no proposition can be more plainly demonstrated than this, that judges may oppress the people—that power cannot be safely confided anywhere without the guarantee of responsibility.

The occurrences to which we have adverted, transpired previous to the memorable era in the British annals under William and Mary, when the judges were commissioned by their monarch

to hold their offices during good behavior, with salaries fixed by law. The system was consummated in the reign of George III., by providing that the commission of the judge should not be vacated upon the demise of the king. But, even in Great Britain, the judges are less independent than here; for, by an address of a majority of both Houses of Parliament, they may be removed; here, an impeachment for misconduct by one House, sustained by two-thirds of the other, is the only thing that can effect their removal. Nor is their power so transcendent in Great Britain, as to repeal an act of Parliament by declaring it unconstitutional and void. We have improved upon their system of irresponsibility, and enlarged their powers, without any of the reasons or benefits which exist with them. Their object is to render the judges independent of the monarch, that they may protect the people from lawless acts of his despotic power. In this country, the people are the King; and the only object of rendering the judges independent of their sovereign authority, or the only benefit which can result from it that I can conceive, is to protect the people from their own oppressors, themselves. We have given our authority to the judiciary to control us, lest we shall enslave ourselves. We transfer the power to them because we fear the consequence of holding it ourselves; and surrender our liberties, our lives, the disposition of our property, to the judiciary, to escape the danger of oppressing ourselves.

Are we choosing guardians to control us, and prevent us from destroying ourselves in our fits of lunacy? A maniac may surrender his rights for the preservation of his person from the freaks of his own madness; but the American people are not mad. Experience has proven them to be the safe depositories of their own power. They have wisely reserved it to themselves, and as wisely exercised it, except in this case; and it is believed that they may now safely make their voice to be heard in the judiciary. Why should they hold the controlling power in every other department of the Government? *Vox populi, vox Dei*; but if the voice of the people is the voice of God, what must the superior voice of a judge be? If, under a monarchical Government, an independent judiciary may stay the hand of despotic power, and protect the innocent from punishment; in this nation we have no monarch, no subjects. The Government and the people are one; and we ask not the guardian care of our superiors to bind our hands so that we cannot wound ourselves.

But has this change in the judicial term, from tenancy at will to that of life, essentially changed the character of decisions in Great Britain? History records the mournful fact that, since the reign of William and Mary, the courts of Great Britain have invariably yielded obedience to the monarch's will, in criminal prosecutions. The banishment and death of many of the most distinguished of the friends of lib-

erty will confirm the declaration. The honored names of Muir, Gerald, Margatot, and Emmet, with many others that time cannot bury in oblivion, must remain the monument of this independence of the British Judiciary, which we are so proud to imitate. In controversies betwixt individuals, the effects of the change may have been salutary; but he who has depended upon the judiciary to protect him from royal male-diction, has leaned upon a broken reed.

The nature and the object of the Federal Judiciary are subjects worthy of investigation. The salary of the judge may be increased, but cannot be diminished; and his term of office is perpetual. He may receive a reward for pleasing the Legislature, but he can suffer no removal or abatement of compensation for displeasing them. Is this independence designed to give the court power to arrest the Executive in a career of usurpation? Certainly not; for the people have reserved this power to themselves. Nor is it to prescribe bounds to the legislative will; for every legislator is held responsible to his constituents. Both the President and the members of Congress are dependent on the will of the people; and the people have made them feel their power, when the judiciary were giving sanction to unconstitutional measures. It was never intended by this irresponsibility to give the Federal courts power to limit the prerogatives of State Legislatures, because they are subject to the same sovereign will of the people, who could not have designed to clothe a small number of select judges, however honest or enlightened, with the power to control that sovereignty which it was their pleasure to vest in their State authorities, where they could have the means of regulating it at their own pleasure, without danger of anarchy or despotism. Such control, vested in an independent magistracy, would be entirely hostile to every principle of self-government; and the people do not fear themselves. All power rests in them, and they are responsible to no earthly tribunal for its exercise. They never intended to transfer it to those who might abuse it with impunity. They deem it safer where nature and nature's God have placed it—in themselves; and they cannot recognize a principle so obnoxious to free men, as that which gives it to others because they themselves are unworthy to hold it.

The real object of an independent judiciary, in this country, must have been to embody the best experience in legal knowledge, and produce uniformity of decision in legal questions relative to property and crimes. The science of politics is still in its infancy; and its perfection depends on principles which the progress of republican government must yet develop; but the science of jurisprudence is more established, and composed of principles which never change. The one is mutable, the other immutable. There is, therefore, not so great necessity for the same kind of responsibility in the judiciary, if their powers are confined to the

proper object of their office—that of defining questions of law; but when they transcend those limits, and bring to their bar every other department, both of the Federal Government and the States, it becomes necessary to ordain some tribunal that may guard against an abuse of their power. They assume the right of deciding upon the constitutionality of the laws of the Union and of the States, and of setting them aside at pleasure. Some of the learned in law have acquiesced in this assumption of power; but the great body of the people cannot approve it. If the constitution had provided that the judges should form a council of revision to decide upon the constitutionality of the laws of Congress, and even of the several States; and that no law should be binding without their sanction to its constitutionality, and that these judges should hold their office during good behavior, without an authority in the people to remove them or revise their decisions, I venture the assertion, that the constitution would have been rejected by every State in the Union. If they can declare a bad law unconstitutional, they may also declare a good law void upon the same principle. If the Legislature shall pass a bad law, or refuse to pass a good law, the people will elect others in their place to remedy the evil; but the judges are not accountable to the people for their opinions. A legislative body may be changed at the pleasure of the people; but, over the court, the people hold no right of change, no power of coercion. From what source is the power which they exercise, derived? From the constitution? No; that is as silent as death upon the subject; and it is doubtful whether one man of a thousand in the nation would vote so to amend the constitution as to confer this power. Is it in the theory of our Government? No; it is in direct hostility to the theory of our Government.

The Constitution of the United States, the laws of the United States made in pursuance thereof, and treaties made under the authority of the United States, shall be the supreme law of the land; and the judges of each State shall be bound thereby, anything in the laws or constitution of any State to the contrary notwithstanding. The Senators and Representatives in Congress, the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and the State, shall be bound by oath, or affirmation, to support the constitution. Judges, in common with other officers, being bound by oath, a duty is said to be created in them to decide upon the constitutionality of the laws of Congress, State laws, and State constitutions; and when, in their opinion, repugnant to the Federal Constitution, to declare them null and void. Would it not be equally the duty of Congress to declare the opinion of the Federal Judiciary null and void, in every case where a majority of Congress might deem it repugnant to the constitution? For instance: the Legislature, after

JANUARY, 1832.]

Amendment to the Constitution.

[SENATE.]

full discussion upon the constitutionality of the measure, shall pass a law involving the best interest of the country in peace or in war. The court shall express a different opinion; and, upon every question arising under it, act in conformity to their own opinion, that the law is unconstitutional and void. Forty-eight Senators, one hundred and eighty-eight Representatives, and the President of the United States, all sworn to maintain the constitution, have concurred in the sentiment that the measure is strictly conformable to it. Seven judges, irresponsible to any earthly tribunal for their decisions, revise the measure, declare it unconstitutional, and effectually destroy its operation. Whose opinion shall prevail? that of the legislators and President, or that of the court? The court must admit that wise and good men may conscientiously differ in opinion upon such a decision, or their own reversion will fix upon every other department of the Government the conviction of perjury; and, if any honest difference of opinion may exist, I would ask, which has the right to overrule the other? If Congress were as scrupulously tenacious of their own powers, they would decree, and would deem it their solemn duty to decree, that such a decision of the court is unconstitutional and void. In that case, who must yield? and where would the confusion end? But the principal danger arises from a collision of the Federal Judiciary with the State sovereignties. The judges have exercised some caution in relation to the acts of Congress. They have generally acted upon the laws as they received them, leaving it to the members to account to their constituents for their measures. Nor have they had any temptations to do otherwise. The support of Federal authority must, from the very nature of their situation, be a point for them to maintain rather than abandon. The Supreme Court has even decided that Congress is sole judge of the measures necessary to carry into effect the specific powers delegated by the constitution. Had the same delicacy been observed by that tribunal when State laws have been the subject of construction, it is probable the examination of judicial encroachment upon their sovereignties might never have been commenced. But a comparison of the cases will show a disposition widely different in the revival of State laws, which proves the strong bias of the Federal Judiciary in support of federal power. A bias equally strong may probably exist on the other side in the State tribunals; and in case of disagreement, which tribunal shall prevail? So far as my observation extends, the superior courts of the States would not be disgraced by a comparison with the Supreme Court of the United States, in capacity, integrity, and legal acquirements. It, therefore, appears to me that justice requires an intermediate tribunal to decide between them. I know of no clause in the Federal Constitution that gives the power to the Judiciary of declaring the laws and constitution of a State re-

pugnant to the Constitution of the United States, and, therefore, null and void. No express grant, nor fair construction, contains it; and, I presume, every gentleman, in and out of Congress, will agree with me, that the States never designed so to impair their sovereignty as to delegate this power to the Federal Judiciary. But they have assumed it, and, to counteract the evils which must result from this assumption, a responsible tribunal of appeal should be provided.

The short though splendid history of this Government, furnishes nothing that can induce us to look with a very favorable eye to the Federal Judiciary as a safe depository of our liberties. When a law was enacted in violation of a vital principle of the constitution, that which was designed to secure the freedom of speech and of the press, the victims of its operation looked in vain to the judges to arrest the progress of usurpation. If this power could ever be exercised to any good purpose, it would be, on such occasions, to declare the law unconstitutional which aims a deadly blow at the vital principles of freedom; but, so far as the transactions of that day are detailed in our public records, it appears that the judiciary was a willing instrument of Federal usurpation. That law was executed in all the rigor of the spirit which dictated it. The turbulence of faction found no moderation there; and the people found relief only in their own power. The exercise of their elective franchise removed the evil, and this is their only safe dependence.

The Union is the idol of the American people. It is regarded by all as the bulwark of safety; sacred as the ark of the covenant; and their indignant frowns would drive into obscurity the man who would attempt to weaken the bond. In adverting to particular instances in which the State authorities have been set at defiance, the case of New Hampshire shall first be noted.

In 1759, the King of England granted to Dartmouth College a charter of incorporation, without limitation of time. Education was the object; and New Hampshire was then a British colony. After the Revolution, when New Hampshire had become an independent State, the Legislature, by a donation of land to this college, recognized it as a corporate body. Since the adoption of the Federal Constitution, the Legislature modified the charter, without the consent of the corporation, and the Supreme Court of that State sustained the act of the Legislature. The cause was then taken before the Supreme Court of the United States, and the act of the State of New Hampshire was declared to be unconstitutional and void, on the ground that the charter of the King of England to the trustees was a contract within the meaning of that clause of the Federal Constitution which provides that no State shall pass a law impairing the obligation of a contract, and that the modification of the charter was a violation of this clause. By this decision the

principal literary institution in New Hampshire is placed beyond the control of the Legislature of that State; and an act of the British King cannot be changed by the State that has become independent of the edicts of that monarch. I will here leave the free sons of the North to vindicate their own conduct in pretending to be so independent as to presume to touch the consecrated act of their former sovereign; and proceed to the great and enterprising State of New York.

It is certainly correct in the judiciary to show no respect to particular States, in the exercise of this high prerogative of controlling their destinies; and in the case which I am about to notice, we have a striking instance of their impartiality. I allude to that in which the Supreme Court set aside the bankrupt law of the State of New York, on the ground that it violated contracts. The court admitted the right of a State to pass a bankrupt law, and that such a law could not be controlled but by an act of Congress contravening its execution; but that it must contain no provision impairing the obligation of a contract. The court then delivers this opinion, which must be an omnipotent and immutable decree; that any such act of a State, which will release from the contract the future acquisitions of a bankrupt, is a violation of the obligation of a contract, and therefore unconstitutional; that, as the bankrupt law of the State of New York contains such a provision, it is unconstitutional and void. By this decision, it appears the State has a constitutional right to pass a bankrupt law, provided the State shall never exercise that power; but, if the power is exercised, the right is forfeited and the law is void; for the very essence of a bankrupt law is, that the bankrupt, on making a faithful surrender of his property, shall be released forever, both in person and in his future gains. To make this decision the more imposing, the court have also settled this point; that it is immaterial whether the contract in question was executed before or subsequent to the passage of such law—whether prospective or retrospective; in either case, the provision is unconstitutional and void.

I will now come to the smaller State of New Jersey, though not the less entitled to high consideration and respect. If patriotic devotion to the national welfare in peace and in war—if generous sacrifices to the cause of independence constitute a claim of merit, no State in the Union is entitled to higher marks of honor than New Jersey. But let us notice the admonition which the Federal Judiciary has given this State, to retrace the steps which she has ventured to take before consulting them. In 1759, while a British colony, this State granted certain lands to the Delaware Indians, to hold in perpetuity, without being subject to taxation, but with an injunction that these lands should never be sold or leased by the Indians. In 1801, the Legislature of New Jersey passed an act authorizing these lands to be sold, but with-

out a clause expressly repealing that part of the act of 1759, which exempted them from taxation. In 1804, that clause was repealed, and the lands afterwards taxed in common with other property in that State. The proprietors refused to pay the tax, and suit was brought against them, in which both the inferior and superior courts of the State decided in favor of the legality of the tax. The case was then carried into the Supreme Court of the United States; and there it was decreed, in opposition to both the legislative and judicial authority of the State of New Jersey, that the law was in violation of a contract implied in the original grant to those Indians, therefore unconstitutional and void, and those lands forever free from taxation. Now, sir, what can be more dangerous to the existence of liberty, than power lodged in a body, in no way amenable to the State for its exercise, which may set at defiance the whole constituted authority of that State, and even subvert her system of taxation upon her own domains? Was it for this that Jersey bled at every pore to resist the authority of taxation without representation—that she might submit to the same deprivation at home without the power of repairing an injury or of arresting its progress? And such is indeed her forlorn condition, and that of every State in the Union, if the Federal Judiciary may prohibit them from taxing one part of their domain, and thus impose upon them the necessity of doubling the burden upon other parts to make good her revenue. Such power, vested in an independent, irresponsible tribunal, may eventually swallow up the States, and leave their governments but a shadow, unless some other tribunal shall be established, amenable to the States or to the people, with power to overrule their decisions when erroneous.

The next in order that presents itself, is the respectable State of Pennsylvania, with whom the idea originated, of constituting this body a tribunal to decide upon controversies, when that serious conflict existed between the two Governments, in what is commonly called the *Olmstead* case. Her conduct was firm, but temperate. Congress must not mistake the motive that dictated the course which she took. She yielded, not because she was convinced, or alarmed; but because she was unwilling to use the militia which was ordered out, to shed the blood of her own children. It was the love of order. Pennsylvania is like the rock in the midst of the tempest—she is not to be shaken—she is slow in her anger, but mighty in her wrath—her blood runs slowly, unless aroused by a sense of injury, or by a serious attack upon the first principles of self-government. If such a state of things should ever exist; if Pennsylvania were assailed by foreign aggressions, or domestic usurpations, you would find her like the angry lion; and it would be as vain to attempt to move her from her ground by force, as was the command of great Canute, the Danish monarch of England, to compel the

JANUARY, 1823.]

Amendment to the Constitution.

[SENATE.]

waves of the ocean to stand still, and not encroach upon his majesty.

Let us next come to Maryland, and notice the case of *McCulloch*. In relation to this case, I shall be happy to hear, in what way this State shall be justified by her distinguished representative, who has had the opportunity of viewing distinctly the various grounds taken by the Federal Judiciary in the construction of its own constitutional powers. It is the case of the United States Bank, before alluded to; a case in which I deem it my privilege and my duty to dissent from the court in some of its positions. I will here observe, that I have no personal complaint against that institution, nor any motive whatever to speak harshly of it. So far as I have had any dealings with it, the conduct of that bank has been marked with an honorable liberality; and my acquaintance with its president enables me to say with confidence, that for correctness, integrity, and capacity, he is entitled to the rank which he occupies among our most distinguished citizens. But it is the principle of judicial decision that I would refer to. The court has determined that this bank has the right to locate a branch in a State without the consent of that State; that the charter of an incorporation does not involve a distinct sovereign power, but is the instrument of carrying into effect the power which originates it; that Congress might adopt such means as they shall judge proper to carry their power into effect, and that the question, what means are most suitable, whether a bank or other means, is not a subject of judicial, but political investigation; that when, for the exercise of this power, Congress shall deem it expedient to locate a bank, or to authorize the location of any of its branches in a State, such State has not the power to impose a tax on such bank or branch, as shall be located within its jurisdiction; with this reservation, that the principle does not extend to the real estate of such bank nor to the proprietary right of the citizens of that State. This decision, though plausible at first view, will be found highly exceptionable upon closer investigation. The right of taxation is acknowledged to be concurrent with the States and the United States, except where constitutional restrictions are imposed; and no one pretends to say that the constitution gives any exclusive privilege to tax banks, or contains any prohibition upon that power. If the establishment of a bank by the United States is a means of exercising sovereignty, the establishing of a bank by a State is equally so; and if a tax, levied by a State upon a branch of the United States Bank, is a violation of the sovereignty of the General Government, a tax levied by the United States upon a State bank is a violation of the State sovereignty. But, during the late war, the General Government did impose a tax upon State banks, and the act was sustained; now, when a State levies a tax upon a branch of the United States Bank within the limits of its jurisdiction, the law is de-

clared to be unconstitutional, because it is an encroachment of sovereignty. The plain doctrine involved in this decision is, that the States are bound to respect the sovereignty of the United States, but the United States are not bound to respect the sovereignty of the States. The powers of the General Government are omnipotent, but the powers of the States are whatever the court may please to prescribe. Such is the practical effect of this decision. The General Government may tax a State bank, but a State may not tax a branch of the United States Bank within its jurisdiction; because the General Government is sovereign, and the State governments are subordinate.

Ohio and Kentucky are involved in the same predicament with Maryland. The General Government laid a tax upon the State banks of Kentucky, and the tax was paid. Kentucky, in turn, laid, not an extravagant, but a moderate, a reasonable tax upon the branches of the United States Bank in that State, and the Court of Appeals of the State decided that it was constitutional. The decision was able, and the arguments on which it was founded were conclusive; but they considered it wise to acquiesce in the decision of the Supreme Court of the United States, and suffer, for the sake of harmony, this violation of their right, till they may be practically restored by constitutional interposition. It may have been impolitic to have imposed this tax; but the right cannot be relinquished while the reciprocal right exists on the other side; and unless some remedy is provided to counteract the mischief that must arise, no one can predict where it will end.

In relation to the State of Ohio, I am not so ready to say that her proceeding was correct. It was at the instance of many of her distinguished citizens, that the bank located branches there; and the object of the tax was evidently to drive them back, or destroy them. I contend for the right of taxation, (not of imposing penalties,) a right which belongs to the essence of sovereignty, whether the stock belongs to citizens, to foreigners, or to the United States; and the character of the proprietors cannot impair the right. But, if Ohio was wrong, yet the proceedings in relation to her were an unwarranted breach of her sovereignty, and a violation of her rights as a State. She was prosecuted, and placed in the custody of the Marshal. She was imprisoned and bound in chains by the Federal Judiciary. Her treasurer was taken by a process from the United States Court; the keys of the treasury taken from him; the doors of the strong-box opened, and the money taken from the coffers. But the attitude which she assumed under these proceedings, was such as to sustain her native dignity of character, while she submitted to the constituted authority of the Union.

These are some of the cases in which the laws of the States have been declared unconstitutional, and the sovereignties that ordained them prostrated by the Federal Judiciary; and

we owe it more to the patriotic forbearance of the States, that intestine commotions have not been the result, than to a conviction in the minds of those States that these proceedings were sanctioned by justice or by the spirit of the constitution. A remedy is necessary—a tribunal, responsible to all the States, should be constituted with appellate jurisdiction, and in its decisions all will acquiesce.

In the case of *Cohen vs. Virginia*, the conduct of the Supreme Court has also been a subject of much animadversion and dissatisfaction. The most exceptionable part is the construction of their own power, which gives them jurisdiction in the case. The constitution provides, that, in all cases in which a State is a party, the Supreme Court shall have original jurisdiction; nothing is said of appellate jurisdiction in such cases; but here, when the State was a party, the Supreme Court exercised, not original but appellate jurisdiction. It would seem, by this clause of the constitution, that it was never designed that a State should be brought before the Supreme Court of the United States by writ of error, especially when she had been a party to the same case in her own courts; no, not even with citizens of other States or foreigners. The 11th amendment to the constitution provides, that the judicial power of the United States shall not be so construed as to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of a foreign State. This amendment was introduced in consequence of suits brought against Massachusetts and Georgia, soon after the formation of the General Government. Yet the Supreme Court assume not only original but appellate jurisdiction in the case of *Cohen*, under that clause of the constitution which provides that the judicial power of the United States shall extend to all cases in law and equity arising under the constitution, laws, and treaties of the United States. The argument runs thus: that, although they could not exercise appellate jurisdiction where a State is a party, provided the controversy arose under any other law, yet, when the controversy arises under the constitution, laws, or treaties of the United States, they may assume appellate jurisdiction. The plain meaning is, that the jurisdiction of the Supreme Court shall be confined to cases arising under the constitution, laws, and treaties of the United States, and that subject to the restrictions imposed in the other clause, confining the court to the exercise of original jurisdiction over States, and in the amendment relating to the suability of States; that is, in all cases thus arising they may exercise jurisdiction, but when a State is a party their jurisdiction must be original; and if commenced or prosecuted by a citizen of another State, or of a foreign State, they have no jurisdiction in the case. I have no doubt that this is the construction which ought to be given it; but the court has given a latitude of construction which absolutely en-

larges their jurisdiction, so as to embrace States and every thing else, when the controversy arises under the constitution, laws, and treaties of the United States, to the exercising of a guardian power over the States, even to the revision and repealing of their laws; and to controversies arising under State constitutions and laws, even affecting their criminal code; for the case of *Cohen* was of this last description, and the jurisdiction was also appellate. But I shall no longer dwell upon a case that has itself been the subject of a volume.

TUESDAY, January 15.

ETHAN ALLEN BROWN, appointed a Senator by the Legislature of the State of Ohio, in place of William A. Trimble, deceased, produced his credentials, was qualified, and took his seat in the Senate.

THURSDAY, January 24.

CAESAR A. RODNEY, appointed a Senator by the Legislature of the State of Delaware, for the term of six years, commencing on the fourth day of March last, attended, was qualified, and took his seat in the Senate.

Suppression of Piracy.

The following resolution, offered yesterday by Mr. JOHNSON, of Louisiana, was taken up for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing by law for the building of an additional number of sloops of war, for the protection of the commerce of the United States in the Gulf of Mexico; and into the propriety of employing one or more of the frigates or ships of war of the United States for the same purpose.

Mr. PLEASANTS thought the designation of sloops of war would confine the scope of the inquiry within too narrow limits, particularly as he presumed a smaller class of vessels would be more suitable for the object in view. He should prefer an inquiry into the expediency of building an additional number of small vessels of war, without designating the size. Mr. P. had an objection, also, to the latter part of the resolution, which directs that a part of the naval force be employed in a particular service; because it would be interfering with the proper action of the Executive authority, whose province it is to direct in what manner the naval force shall be employed. Mr. P. moved to amend the resolution conformably to the ideas he had suggested.

Mr. D'WOLF observed, that five or six additional small vessels were certainly very much wanted to protect the commerce of the nation on the coast of Cuba, and elsewhere among the islands; but, as the expediency of increasing the navy by building additional vessels might be doubted, and as a sufficient number of suitable vessels might at present very probably be

JANUARY, 1822.]

Virginia Land Warrants.

[SENATE.]

purchased, he suggested the propriety of changing the inquiry into one for providing by purchase an additional number of small vessels.

Mr. ORIS suggested the propriety of simplifying the resolution into an inquiry of providing by purchase or otherwise, an additional number of small vessels "for the better protection of the commerce of the United States." An expression of the object in terms so general as this, he thought would not trench on the province of the Executive.

Mr. JOHNSON, for the purpose of accommodating the views of the different gentlemen, while it would answer the object he had in view, modified his motion to read as follows :

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing by law for the building or purchase of an additional number of small vessels of war, for the protection of the commerce of the United States.

In this form the resolution was agreed to.

MONDAY, January 28.

Allowance of Drawbacks.

Mr. D'WOLF submitted the following resolution for consideration :

Resolved, That the Committee on Commerce and Manufactures be instructed to report a bill for allowing drawbacks on merchandise exported, which shall be manufactured from foreign materials, to amount of the duties on such materials.

Mr. D'WOLF made a speech of considerable length, explanatory of his views in offering the resolution; embracing a variety of practical statements of the course of trade, to show the advantage which would accrue to the revenue by extending the benefit of drawbacks, inasmuch as it would encourage internal industry and exportation; urging the expediency of adopting such measures as would tend to diminish the existing inequality in the amount of imports and exports, as detrimental to the public interest as it always is to the interest of a private individual to buy more than he sells, &c.

Virginia Land Warrants.

The Senate took up the resolution submitted by Mr. RUGGLES, on Saturday, requesting of the President of the United States certain information relative to the lands granted and located by patents to the Revolutionary officers and soldiers of the Virginia line, in the reservations in the States of Kentucky and Ohio.

Mr. RUGGLES offered a few remarks in explanation of the object of this resolution. He said it would be recollected that, in the year 1784, the State of Virginia ceded all her vacant and unappropriated lands northwest of the Ohio River, to the United States. Attached to this cession were certain conditions, one of which was, that, in case the quantity of good land on the southeast side of the Ohio, upon the waters of Cumberland River, and between the Green and Tennessee Rivers, should prove insufficient

to satisfy the legal bounties which had been engaged to the troops of Virginia on Continental Establishment, then the deficiency should be made to the said troops in good land, between the Scioto and Little Miami Rivers, on the northwest side of the River Ohio. In a short time after this cession was made, the holders of those soldiers' warrants commenced locating them on the tract of land conditionally reserved northwest of the Ohio River, without any information having been given to the Executive of the United States or Congress, that a deficiency on the waters of Cumberland River existed. Congress, by a resolution in 1788, put a stop to this proceeding, by declaring all such surveys and locations invalid, until correct measures should be taken to ascertain the fact that a deficiency had really occurred. The Governor of Virginia was then requested to ascertain and communicate this information to the General Government, in order to enable them to carry into effect the stipulations in the act of cession, according to the true intent and meaning of the parties. Afterwards, the agents of the officers and soldiers did report to the Governor of Virginia that there was not a sufficient quantity of good land to meet the engagements of the State, on the southwest side of the Ohio River; upon which information they were authorized by Congress to locate the remainder of the warrants upon the tract conditionally reserved between the Scioto and Little Miami Rivers. Mr. R. said this was a plain history of the proceeding as it had occurred. His object in calling for the information contained in the resolution, was to ascertain whether the contract between the United States and the State of Virginia had been fairly executed, and whether any fraud had been committed in the issuing of the warrants, or in the location of them. Mr. R. said he was far from imputing any misconduct or blame to the State of Virginia, or any officer acting under the authority of her laws. It was, however, a fact, that it had taken much more land to satisfy those warrants than was ever anticipated, and almost the whole district of country between the Scioto and Little Miami Rivers had been covered with them. If the information sought for by this resolution can be furnished, it can be easily ascertained whether fraud has been committed or injustice practised. A report of the number of officers and soldiers who served in the Revolutionary war, from Virginia, on Continental Establishment, together with the quantity of land allowed to each of them, will show the whole amount to which they were entitled. A statement of the quantity of land that was covered with warrants, on the waters of Cumberland River, when the agents of the officers and soldiers reported to the Executive of Virginia the deficiency that existed, will determine the quantity to which they were entitled northwest of the Ohio River, and between the Scioto and Little Miami Rivers. Mr. R. said he considered this information not only very desirable but of great importance.

SENATE.]

Officers of the Customs.

[JANUARY, 1822.]

He could not say that the President of the United States could furnish all that was called for, but he believed sufficient could be obtained to meet the objects he had in view.

TUESDAY, JANUARY 29.

Military Roads.

The resolution offered yesterday by Mr. CHANDLER, proposing an inquiry into the expediency of making two military roads from the State of Maine to the British line, was next taken up; and some opposition being manifested to it—

Mr. CHANDLER briefly explained the importance which the proposed roads would be in a national point of view, and which might be easily constructed by the troops now in service.

Mr. HOLMES, of Maine, gave a description of the country referred to, to show the value which these roads would be for military purposes, if the country should ever again be involved in war with the same nation with which it was recently engaged in hostilities, and there was little probability of a war with any other power. These preparations ought to be made in time of peace. He remarked, moreover, that the General Government had never been called on before to expend any of the public money in the State of Maine, or for her use, and he hoped the resolution would pass.

Mr. MACON said, the two gentlemen did not exactly agree. One of them asked for the road because he deemed it necessary, the other because none of the public money had yet been spent in the State of Maine. The State of North Carolina might ask some public improvement with the same justice; for there had been precious little money expended in that State. But, said Mr. M., we do not ask Congress to spend the public money in our State; all we ask is, that you do not take our money and spend it elsewhere. As to preparing for war, he said, there was no danger that a free people will ever be unprepared for it; the danger was that they would be too well prepared for it; and too ready to engage in it; for it seemed to him that free government had the same effect on the human constitution as heat had on iron—it made it swell. Commence these roads, and there is no telling where it will end; for legislation might be compared to shingling a house—the first row is useless unless you go on, lapping one row over another to the top. It will prove just so with appropriations for roads, if they are once begun.

The resolution was agreed to—18 to 10.

WEDNESDAY, JANUARY 30.

Officers of the Customs.

The Senate then resumed in Committee of the Whole, the consideration of the bill further to establish the compensation of the Collectors of the Customs, &c., and the amendments re-

ported thereto by the Committee on Finance. [These amendments were numerous, but embraced principally modifications of detail, and regulations of the pay of weighers, gaugers, inspectors, &c.]

Mr. HOLMES spoke as follows: On the subject, said Mr. H., of the compensation in the large ports, the committee adopted the rule to diminish the percentage on the commissions so low, that the emoluments would not exceed four thousand dollars and expenses. To fix the compensation of a collector, so that it would neither exceed nor fall short of a particular sum, as had been suggested by some gentlemen, would be making them all *salary officers*. This would be a new and extraordinary principle. The officer would have no interest in the amount of revenue collected—no inducement to economy. He would consult his ease at the public expense; multiply officers, careless of the necessity, and become indifferent and neglectful of the amount of the customs, in which his interest was no way concerned.

It is apprehended that the percentage is reduced so low in some of the ports, that the fees and commissions will not, after deducting the expenses, secure the officer four thousand dollars. Upon a revision of the bill, the committee were apprehensive that in the district of Philadelphia such might be the result, and have therefore left that as before. New York is an important district, and the collector there ought to be pretty sure of his maximum; of this, with the economy which he can and ought to practise, we have no doubt. The law made a deputy a substitute for the collector in cases only "of sickness or occasional and necessary absence;" but the collectors themselves have made them permanent officers, with a salary, in some instances, of three thousand dollars per year. This sum, it is understood, is allowed in New York. This bill limits the compensation to one thousand five hundred. Other improvements in the clerk hire, stationery, office rent, and contingent expenses, will much diminish the expenses of that port. Taking the return of the year 1819, the emoluments, as reduced by this bill, will yield to that officer a clear income of \$6,441; by that of the year 1820, it would not exceed \$2,628; making an average of \$4,084. But it must be recollected, that in this last year a new collector was appointed, and a moiety of the commissions due on outstanding bonds goes to his predecessor, which hitherto diminished, but will not hereafter diminish, his compensation.

On the whole, from a diminution of the expense which this bill will effect, and the constant increase of the commerce of that port, no possible doubt can exist that the rate of one-sixth of one per cent. established by the bill, will amply secure the collector to the extent of his maximum.

As to Boston, the extravagances in that district are so great that even a greater diminution might have been safely allowed. According to

JANUARY, 1822.]

Officers of the Customs.

[SENATE.]

the officers' returns for several successive years, the diminution which we effect by a single reduction in the office of deputy, will leave the collector a sum above the maximum established by the bill. By the last returns, the collector of New Orleans is sure of his \$4,000, without considering any deductions at all; and as the other districts, classed among the large ports, have not arrived at the sum limited, they consequently cannot yet be affected by it.

The reduction from \$5,000 to \$4,000, in the large ports, has produced much opposition. Of the propriety of the measure your committee could entertain no doubt. \$4,000, with a share in fines and forfeitures, and a right to receive \$400 as agents for lighthouses, &c., is a greater compensation than you give to the Chief Justice of the United States, and a better living than you give any other officer in the Government, the President excepted. The office is responsible, to be sure, and in some degree arduous. But the Judge, the member of Congress, the ambassador, must leave his friends, his family, his country, and endure a banishment, as the price of his reward. The collector enjoys the fruits of his labor at his own fireside, and in the bosom of his own family. Sir, let these men resign, by reason of this reduction, and you will find thousands of the best men in the nation ready to step into their shoes. Amidst all our professions for economy and retrenchment, should we not blush to tell the people that a collector of their revenue, in these times of depression, cannot live, at home, for five thousand a year; and, unless we give him more, he will carve for himself!

It has been remarked, said Mr. H., in discussing another part of this bill, that the office of deputy collector, as established by law, was occasional and temporary. Practice has, however, made it permanent, and fixed to it a permanent salary. The collector appoints the deputy, and fixes his pay. But his compensation is paid by the collector, unless there is a surplus in his hands after he receives his ultimate sum—then it is at the expense of the United States. If the collector's emoluments are \$30,000, of which he can retain \$4,000 only, the residue, after deducting expenses of clerk-hire, stationery, &c., goes into the Treasury. This clerk-hire, sir, has hitherto been at the entire discretion of the collectors, and their vouchers of payment have, at the Treasury, been allowed without an inquiry into the economy of the expenditure. Hence high salaries to deputies, to relieve collectors of their duties, and extravagant expenditures for clerks and stationery, to accommodate relations and friends. Such has been the practice under the law, that the Secretary doubts his authority to go behind the collector's vouchers to settle his accounts; consequently, the collectors in the large ports, whose emoluments exceed their maximum, may lavish the surplus on whom they please. The necessity and importunity of friends and relatives is a temptation too great,

even for a prudent man, to resist, and the prodigal expenditure of the public money has been the inevitable consequence. By the report of the Secretary, made on the 8th December, 1820, it appears that the clerk-hire for 1819 was, in Philadelphia, \$15,779 14, and that in New York, \$15,766 22—while the stationery of the former place was \$546 88, and that of the latter \$1,978 55; and when in New York the revenue collected was \$8,068,851 39, and in Philadelphia \$4,950,888 00. The clerk-hire in Boston was, during the same period, nearly as extravagant as that of Philadelphia. The disproportion which the stationery and clerk-hire bear to each other in the different ports, shows a wanton prodigality somewhere, and perhaps everywhere. The truth is, it is imprudent and dangerous to repose this confidence in these men, and, therefore, the bill requires a rigid scrutiny at the Department of the Treasury.

On the amendment which proposed to increase the salary of the collector of Wilmington, in Delaware, Mr. H. observed the committee have found, upon examination, that the collector's services are more than commensurate to his legal compensation. In his annual return of his emoluments, this man, who is understood to be a faithful officer, has charged from \$400 to \$900 annually, under the name of official and contingent expenses. This is not permitted by any existing law; it is an abuse which has become pretty general, and, where the emoluments approach a fixed maximum, goes to take from the Treasury, by indefinite and illegal charges. By this bill these abuses are cut up by the roots; and these deductions, from the compensation of this officer, will render it necessary that his salary should be increased to the sum limited in the bill.

The sections abolishing the offices of weighers, gaugers, &c., and transferring their duties to inspectors, being under consideration, Mr. H. observed, on the 9th December, 1820, the Secretary of the Treasury, in obedience to a resolution of the House of Representatives of the 15th May, of the same year, made a report of the offices in the customs which might be abolished. (Here Mr. H. read the report.) By this it appears that the Secretary was willing to dispense with not only several districts and ports of delivery, and their officers, but with all the weighers, gaugers, measurers, and markers, whose annual aggregate compensation is not less than \$100,000. It is believed that this might be done by the inspectors without increasing their number, and without the ungrateful task of removals. The committee sent for the Secretary, and inquired whether these offices might safely be abolished, and, if so, why so many inspectors had been retained at such an expense, if, with their present number and pay, they can perform this additional service?

His answers were, that the present inspectors were amply sufficient; that the number had

been increasing, from the representations of collectors, at the solicitation of friends; that many of them were old and destitute, and that it would be better to increase their labor than diminish their number. It is, moreover, apparent, that in many ports inspectors perform these services, and receive the pay, in addition to their per diem allowance. Instances are not few, in which these inspectors have charged the United States three dollars a day for every day in the year, and during the same period have received compensation in these offices of weighers, gaugers, &c., equal to the best salaries.

It appears by a report of the Secretary, in obedience to a resolution of the House of Representatives of the 19th January, 1821, that, in the district of Boston and Charlestown, there were six inspectors, who had received their three dollars per day for every day in the year, not omitting the additional day for leap-year during the same period; and found means to obtain, in these other capacities, about three thousand dollars more; each receiving from your Treasury an annual compensation of between four and five thousand dollars, and this not limited to one particular year, but an average for several years in succession.

So prompt were these men at their duty—or rather at their charging—that in this same place, among this moral and religious people, there were ten inspectors, who never found an opportunity to be absent at church for one single day in four years, and never lost a day by sickness during the same period; similar facts, too, in New York, indicate that *there*, there is great punctuality in charging Sundays and all, and that, among inspectors, there is much stronger evidence of health than worship. In Philadelphia, the extravagance in clerk-hire has lately been corrected, but the same prodigality exists in those subordinate offices. The compensations to a single weigher at that post, and who I believe is a son of the collector, are reported at the Treasury Department as follows: in 1816, \$6,405; 1817, \$7,804 48; 1818, \$5,818 14; 1819, \$5,602 01; and in 1820, \$5,202 45. If in one port the duties of one description of office can be heaped upon the shoulders of one favorite, and in another some four or five different offices can converge to the use of another, there must be a radical defect in the system, or a gross prodigality and infidelity in the officers of the customs who have the immediate control. These instances only are cited to point out the mischiefs, yet the evil is by no means limited, but is becoming general. In the second and even third-rate ports, instances might be mentioned where inspectors change every day, and are occupied and receive fees, for the same period, as weighers, gaugers, &c., and even in some instances serve as clerks and deputies besides.

It has been said that these abuses are so palpable that the existing laws are adequate to their correction, and the collector who permits

or connives at them ought to be instantly removed. The exercise of Executive power, and the selection of a few prominent examples, would no doubt be salutary; but so extensive and so habitual are these practices, the execution of the law, combined with the exertions of Executive power, will be scarcely sufficient to correct them.

It is apprehended by some honorable gentlemen that these inspectors will not be sufficient to perform the duties. Sir, you have called on the officer who presides over your revenue; you have asked him if these men and this pay will be sufficient, and he answers yes. Although I would repose implicit confidence in no Secretary, yet experience proves that we should be slow to believe that one would err in favor of economy.

Here the Secretary testifies against interest—against patronage. He offers to collect your revenue without the offices proposed to be abolished, and tells you they are useless. Would it not be, indeed, extraordinary to force upon him a horde of officers whom he does not want, at an expense of \$100,000 per year?

FRIDAY, February 1.

The following letter, from the VICE PRESIDENT of the United States, addressed to Mr. KING, of New York, was read by that gentleman to the Senate:

WASHINGTON CITY, Feb. 1, 1822.

DEAR SIR: My health has suffered so much on my journey, and since my arrival at the Seat of Government, that I am desirous, as soon as the weather and the state of the roads will permit, to return to my family. And I have to request that you will be good enough to communicate this determination to the Senate at their meeting this day.

I have the honor to be, with great respect,
DANIEL D. TOMPKINS.

Hon. RUFUS KING.

Election of President pro tem.

On motion of Mr. KING, of New York, it was thereupon resolved, that the Senate would, at two o'clock, proceed to the election of a President of the Senate *pro tempore*.

At 2 o'clock accordingly the Senate proceeded to the election of a President, and, on counting the ballots, the following result was declared:

For Mr. Gaillard	-	-	-	22 votes.
Mr. Macon	-	-	-	14
Mr. Lowrie	-	-	-	5
Mr. Dickerson	-	-	-	4
Scattering	-	-	-	1
				46

No person having a majority of the votes, the Senate proceeded to ballot a second time, when there appeared to be—

For Mr. Gaillard	-	-	-	25 votes.
Mr. Macon	-	-	-	17
Scattering	-	-	-	4

FEBRUARY, 1832.]

Louisiana Land Titles.

[SENATE.]

Mr. GAILLARD, having received a majority, was declared to be elected President of the Senate *pro tempore*.

On taking the Chair, Mr. GAILLARD addressed the Senate as follows:

GENTLEMEN: No one can estimate more highly the value of your favorable opinion, nor could any one receive with more profound respect, or with more unfeigned gratitude, than I do, this fresh token of your confidence and favor. The gratification I derive from it would indeed have been complete, but for the unaffected apprehension I feel that, in the discharge of the duties assigned to me, I may disappoint your just and reasonable expectations. If purity of intention and an anxious desire to act correctly, which I bring with me to this station, should prove no security against the commission of error, I shall have to throw myself on that liberality and indulgence which you have been ever ready to exercise, and which I have already so frequently experienced from you. On this consoling and encouraging reflection I will rest; and I will only add, that, whatever of industry, of experience, or of capacity, I possess, shall be faithfully directed to an honest and impartial execution of the trust reposed in me.

On motion of Mr. KING, of New York, it was ordered that the Secretary communicate to the President of the United States, and to the House of Representatives, the election of the President of the Senate *pro tempore*.

MONDAY, February 4.

Rebecca Hodgson.

The Senate took up the report of the Committee of Claims unfavorable to the petition of Rebecca Hodgson. [She prays payment for a house rented to the Government for the use of the War Department, when the Government was first removed to Washington, in the year 1800, which house was burnt—the petition being grounded on the stipulation in the lease that the premises should be returned in the condition in which they were received, inevitable accidents excepted.]

The report was opposed at considerable length by Mr. PINKNEY, who argued and referred to testimony to show that the petitioner was entitled to payment according to the terms of the contract, that the claim was sustainable in law, were the Government suable, and that it ought to be allowed. He concluded by moving that the report be recommitted to the Committee of Claims, with instructions to report a bill for the relief of the petitioner to the extent of the value of the house.

Mr. RUEGLES spoke at length in reply to Mr. PINKNEY and in support of the report of the committee. He took a particular view of the circumstances of the claim, and the evidence on which it was founded, embracing the contract of the lease, to show that the petitioner had no rightful claim on the Government for indemnity.

Messrs. HOLMES, of Maine, BARTON, VAN DYKE, and TALBOT, also offered some remarks on the subject; and

Mr. P. at the suggestion of some of the gentlemen, having varied his motion to a simple recommitment, without instructions, except to make a report on a re-examination of the case and the documents—it was recommitted accordingly.

TUESDAY, February 5.

Louisiana Land Titles.

Mr. BENTON submitted for consideration the following resolution:

Resolved, That the President of the United States be requested to communicate to the Senate any information which may be in the Department of State relative to land titles in Louisiana, particularly as contained in documents filed in the Department of State by order of Mr. Jefferson, if there be any. Also, a copy of the proclamation (if in the Department of State) addressed to the inhabitants of Louisiana in the year 1803, by General Salcedo and the Marquis de Casa Calvo, Commissioners on the part of His Catholic Majesty for delivering the province of Louisiana to the Commissioners of the French republic, announcing to the inhabitants the cession of the province. Also, a copy of that article of the Treaty of San Ildefonso, (if any such there be in the Department of State,) which secured to the inhabitants of Louisiana their rights of property; and if there be no copy of that treaty, nor of the article referred to, in the Department of State, that the President be requested to cause application to be made to the Courts of France and Spain for an authentic copy of the article in question, for the benefit of the inhabitants of the ceded province.

In offering this resolution, Mr. B. explained the object of it. The first clause was to procure from the Department of State, if there to be found, the copy of a paper concerning land titles in the State of Louisiana, which had once been printed by the order of this or the other House, but of which he had not been able to find a copy in the public Library, because this Capitol was once entered by an enemy who made war upon letters as well as upon men. The second clause called for another document which he was desirous to obtain; and the third called for a copy of that article of the Treaty of St. Ildefonso, which secured the inhabitants of Louisiana in the possession of the rights and property which they had previously enjoyed. That article had never been published. It might be in the Department of State; but, if it should not be there, the resolution proposes that application be made to the Governments of France and Spain for a copy of it. As the object of the resolution was not to pry into State secrets, but to get a copy of an article said to be in existence, which was intended for the security of the people of Louisiana in their rights and property, he hoped it would be considered unobjectionable. If there be such an article in existence, it ought to be made known for the benefit of those whom it may concern.

The resolution lies on the table for one day of course.

WEDNESDAY, February 6.

Louisiana Land Titles.

The Senate took up the resolution offered yesterday by Mr. BENTON, requesting certain information from the President of the United States; and, after some further explanation on the part of the mover, in which he showed, from the unsettled condition of land titles in upper Louisiana, (Missouri,) the probable value of the information which he sought—the two first branches of the resolution were agreed to.

The question being stated on the third branch of the resolution, which called for a copy of a particular article of the Treaty of St. Ildefonso, if in the Department of State, and, if not in the Department, then, that the President be requested to apply to the Courts of France and Spain for a copy of the same—

Mr. KING, of New York, said, he was very willing to go as far as to request of the President a copy of the treaty, if in the Department of State, but if it was not there he would ask no further. There would be an indelicacy, he thought, in applying to a foreign Government for a copy of a treaty which that Government had seen fit to keep private. It was a singular fact, Mr. K. observed, that the treaty by which Louisiana was originally ceded from France to Spain had never been made public; the only public document on this subject, was the letter from the King of France, (Louis XIV.,) to his Director General, D'Abadie, but the treaty was not published. So, likewise, with the retrocession of the country from Spain to France, the fact was made known only by a proclamation of General Salcedo and the Marquis de Casa Calvo. The Treaty of St. Ildefonso having been so carefully concealed by the parties to it, contained, no doubt, other stipulations besides that for the cession of Louisiana, which they did not choose to disclose. The reasons for this were reasons of State; and should our Government, under such circumstances, apply for a copy of the treaty, the answer, no doubt, would be that, so far as we were interested, we were informed of all that was necessary, and that we had no right to ask further. Should we say that there were things in the treaty which it was important for us to know, the reply would be the same, that what was kept back, was kept back for reasons of their own, in which we had no concern. As to the treaty containing any thing which affected private titles in the territory, every thing which related to that subject was embraced in the treaty by which the country was ceded to the United States. He had no objection, however, to requesting a copy of the treaty, if the Government possessed it, (though it was well known there was no such treaty in the Department of State,) but he would stop there—he could not consent to ask of a foreign Government to disclose to us what it had chosen not to communicate. He moved, therefore, to amend the resolution so as to correspond with this opinion.

Mr. LANMAN moved that the resolution be referred to the Committee on Foreign Relations.

Mr. BARTON saw no necessity for referring the resolution; nor did he see any impropriety in requesting a copy of that part of a treaty which related to the inhabitants of a country now become a part of the United States, and which was intended for their benefit; and if it was not in the Department of State, he could imagine no impropriety in going further, and asking France and Spain for that particular article, though they might wish to keep the treaty, in the main, private.

The motion to refer was negatived.

Mr. BENTON said, he had been careful to ask only for that particular article of the treaty which related to the rights of the people of Louisiana, lest it might have the appearance of wishing to pry into State secrets, or interfering with what did not properly concern them. But, in deference to those for whose opinions in such matters he respected, he would modify his resolution, as suggested by Mr. KING.

Mr. LOWRIE remarked that, if it was improper to call for a part of a treaty, it would be at least as much so to ask for the whole treaty. This treaty, he said, though not public, might have been communicated to the Executive of our Government in confidence; and it would be improper to take a step which might lead to the publication of it. He was, therefore, averse to the modification which had been accepted by the mover, and moved to restore it to its original shape.

Mr. KING, of New York, replied that every one who had been a member of the Senate long must know that the Treaty of St. Ildefonso was not in the possession of our Government, but merely that article of it which related to the cession of Louisiana.

Mr. RODNEY was of opinion that the treaty in question had been published, he believed, in Dodsley's Annual Register. He was under this impression, from the circumstance, which he remembered, that when the Louisiana question was debated, in the House of Representatives, Mr. GRISWOLD opposed the purchase, because, among other reasons, the title was not clear and complete, in consequence of the Treaty of San Ildefonso not having been promulgated; to whom it was answered, Mr. R. said, that the treaty had been published in the work which he had mentioned.

Mr. LOWRIE's motion to amend was negatived—ayes 16, noes 20; and

The resolution was agreed to in its modified form—simply requesting a copy of the treaty if in the Department of State.

WEDNESDAY, February 20.

Propagating the Gospel among the Heathen.

Mr. BENTON submitted the following motions for consideration:

Resolved, That the Secretary of the Treasury be directed to lay before the Senate a copy of the pa-

FEBRUARY, 1822.]

Propagating the Gospel among the Heathen.

[SENATE.]

tent (if any such there be in the Treasury Department) which issued under an act of Congress of June 1st, 1796, conveying to the Society of United Brethren for propagating the Gospel among the Heathen, three tracts of land of four thousand acres each, to include the towns of Gnadenhutzen, Schoenbrunn, and Salem, on the Muskingum, in the State of Ohio, in trust to said Society, for the sole use of the Christian Indians formerly settled there.

Resolved, That the Secretary of War be requested to collect, and communicate to the Senate at the commencement of the next session of Congress, the best information which he may be able to obtain, relative to the said Christian Indians, and the lands intended for their benefit, in the above-mentioned grant; showing, as correctly as possible, the advance or decline of said Indians in numbers, morals, and intellectual endowments; whether the said lands have ensured to their sole benefit; and, if not, to whom, in whole or in part, have such benefits accrued.

Resolved, That the Secretary of the Senate furnish a copy of the above resolutions to the Society of United Brethren for propagating the Gospel among the Heathen, addressed to the President of the Society, at Bethlehem, in Northampton county, in the State of Pennsylvania.

Territorial Government in West Florida— Complaint of Unlawful Imprisonment.

The PRESIDENT of the Senate laid before the Senate a petition which he had received from Marcos de Villiers and Arnoldo Guillemard, representing themselves to be ancient inhabitants of Pensacola, who have been illegally imprisoned by the acting Governor of the Territory of West Florida, and praying the interposition of Congress for their relief. The petition was accompanied by sundry documents, embracing an appeal from the petitioners to the acting Governor for their release from imprisonment, and his refusal.

Mr. BARBOUR, not knowing at the moment what would be the most proper disposition for these papers, though it was probable that a reference of them to the Executive would be most suitable, moved to lay them on the table.

Mr. LOWRIE moved also to print them; for, on hearing the papers read, he thought the reasoning of the memorial to the acting Governor was plausible, if not unanswerable; but he should like to read them.

Mr. ELLIOTT thought, as this petition would also, no doubt, be presented to the House of Representatives, it would be better for the Senate to take no step on the subject at present, but wait the proceedings of the other House, to whom perhaps inquiries into such matters, involving the conduct of Executive officers, more appropriately belonged; and that it would be better that the Senate should not adopt any course which might in anywise compromise its future proceedings, or the dignity of the body.

Mr. BARBOUR deemed it proper that each House should act independently for itself in such cases, without reference to any proceedings elsewhere.

Mr. JOHNSON, of Kentucky, presumed, as the papers involved the conduct of officers under the control of the Executive, that they ought to be referred to the President of the United States, either with or without any expression of opinion. There was no difficulty in the case, he thought. These men were a part of the Spanish officers who had been sent out of the province by General Jackson, and had now returned to Pensacola to behave themselves as peaceable citizens, and had been imprisoned by the acting Governor. It was a case for the Executive to act on.

Mr. KING, of Alabama, calling for a division of the question, it was first taken on printing the petition and documents, and negatived—ayes 19, noes 22.

The papers were then ordered to be laid on the table.

FRIDAY, February 22.

Propagating the Gospel among the Heathen.

The resolutions, moved on a previous day by Mr. BENTON, of Missouri, being under consideration,

Mr. BENTON said that he would undertake to show, by a dry detail of historical facts, the propriety of adopting them.

He said it happened about a hundred years ago, that the followers of the sectarian Schwenkfeld were expelled, by the reigning Elector, from the Electorate of Saxony; and about the same time a Dr. Spangenberg, Theologus Adjunctus in the University of Halle, lost his place in the University on account of some dispute with the divines. Being out of employment, these individuals united in a project to cross over to the British colonies in America for the purpose of civilizing and converting the Indians; and addressing themselves to Governor Oglethorpe, then in London, received from him the means of transportation to Savannah in Georgia. Arrived at that place, they immediately commenced their labors among the Creek Indians; founded a church and a school at a place called Irene, five miles from Savannah, and had the greatest success, according to the published accounts, in teaching and converting the natives. The noise of their employment and success drew others from Germany, and with the increase of laborers was duly extended the field of action. They spread to the North, and entered the colony of Connecticut, being invited, as the history of the mission reports, by the Indians themselves. Mr. B. said that he could not gainsay the alleged fact of the invitation, nor was it material to the point in hand; but he could say, that such an invitation implied a contradiction of every spring of human action, there being no principle in the breast of man, either civilized or barbarian, which can impel him to invite another to make an attack upon the articles of his faith and the sanctity of his God. Be that as it may, Mr. B.

said that the Brethren (for by that name they began to be known) established themselves in the village of Shekomeko, which, if it now stands, will be found between the rivers Hudson and Connecticut, some fifty miles west of Hartford. It was a principal town of the Mahikender tribe, and the Brethren immediately established a school and a church, and had the most wonderful success in teaching and converting. To do justice to their labors, Mr. B. said that he would read the account given of it by their own historian, Loskiel:

"In July the new chapel at Shekomeko was finished and consecrated; some of the Elders of the congregation of Bethlehem being present. The congregation usually met every forenoon to hear a discourse delivered upon some text of scripture. Every evening a hymn was sung. A monthly prayer day was likewise established, on which accounts were read concerning the progress of the Gospel in different parts of the world, and prayer and supplication made unto God for all men, with thanksgiving. The prayer days were peculiarly agreeable to the Indians: especially because they heard that they were remembered in prayer by so many children of God in other places. Both on these days and on all festival days, Shekomeko was all alive, and it may be said with truth, that the believers showed forth the death of the Lord both early and late. One day above one hundred savages came thither on a visit, and one of the missionaries observed, that, wherever two were standing together, our Lord Jesus and his love to sinners, as the cause of his bitter sufferings, was the subject of conversation."

Mr. B. said that the history went on to show that the converted Indians increased in number and grace until they became an example to the people of Connecticut. He mentioned particularly the case of a certain justice of the peace, as related by Loskiel, who came to Shekomeko to find out whether any thing was going on there contrary to the laws of the colony, and who was made ashamed of himself by the godly walk and conversation of the Indians, and returned home rebuked and edified by their example.

Mr. B. said that, continuing to increase in numbers and to widen their theatre, the Brethren appeared in Pennsylvania among the Delawares and Shawnese, then in great numbers upon the Susquehanna River and in the neighborhood of Philadelphia. He mentioned Nain, Shamokin, Bethlehem, Nazareth, and many other places, as founded at this time and filled with converted Indians, and read from Loskiel to show that a single congregation consisted of five hundred converts, and that the schools were thronged with girls and boys, divided into regular classes, and making wonderful progress in their studies. He alluded to the opinion of Dr. Franklin about these establishments, but passed on to the Muskingum, on the Ohio, where the vanguard of the Brethren arrived about the year 1770. Here they founded the towns of Gnadenhutten, Schoenbrunn, and New Salem, and were proceeding with their usual success, as testified by the historian, when the settle-

ments were broken up, and themselves dispersed by the troubles of the Revolutionary war. It was not until after the return of peace in 1783 that they could return to their labors, and about this time they began to attract the notice of the American Government, and to receive from it promises of aid, in consideration of their great success in teaching and converting the Indians. He read from Loskiel, to show that the Brethren were now full of courage and confidence; that the schools and churches flourished; that the young especially exceeded the old; that their converts, in the whole, had amounted to fifteen hundred persons, "which they considered to be a stock large enough to be a light of the Lord shining into many heathen nations, for the eternal salvation of their immortal souls."

Mr. B. said it was to these Indians that the resolutions referred; for their use that twelve thousand acres of land were granted, and it was their present number and actual condition which he wished to learn. He said, it was about this time that the Brethren, with others, became incorporated, under the act of the General Assembly of the State of Pennsylvania, by the name of "The Society of United Brethren for propagating the Gospel among the heathen." The usual privileges to sue and be sued, to have and to hold real and personal estate, were imparted to it, and it was to this society that the land in question was granted in trust for the sole use of the Christian Indians of the towns he had mentioned.

Mr. B. adverted to the resolutions which he had submitted, and to the nature of the inquiry which they contemplated. He said the grant conveyed nothing but the use of the land, and that upon a precise limitation. If the use had failed, the limitation had attached, and the ground returned to the grantor. He said it would have been idle in him to undertake to put the Senate upon this inquiry, without being able to suggest a failure of the use; he therefore made the suggestion, but without going into particulars, hoping that the Senators from Ohio, so much more competent than himself, would do the Senate that favor.

Mr. B. said he was a friend to the Indians, and an enemy to the abuse of charities. He believed that great abuses had been committed on public and private charity, in the name of humanity to Indians. He did not include all missionaries in this censure. He knew that the best men upon earth had engaged in that business from the purest and most disinterested motives. He knew that the early history of North and South America was full of such examples—examples of men who, braving all dangers and hardships, died at the stake in flames and tortures, martyrs to their zeal to carry the light of the gospel into the darkest regions. Still he believed that great abuses had been committed, and he could hold it but little short of an abuse to attempt, at this day, with the experience of three hundred years be-

FEBRUARY, 1822.]

Propagating the Gospel among the Heathen.

[SENATE.]

fore our eyes, to raise money from the weak and credulous for the purpose of converting the Indians. He said we had the experience of three hundred years, and every year of it would furnish illustrations of the truth of his position; but he would only go back two hundred, and that for the sake of a single example. Canada was then just discovered—the French held it—Henry IV. was then on the throne, and the Jesuit Father Cotton was his confessor. This Jesuit conceived the design of converting the Canada Indians, and the first question with him was to raise the ways and means. Man, said Mr. B., is an excitable animal and woman still more so, and, above all, a French man and a French woman. The Jesuit knew this; so he addressed himself to the ladies of the Court and city of Paris. The effect was electric. High and low rushed into the project. Enemies in every thing else, united in this. Mary of Medicis, wife of the King, and the Marchioness Verneuil, his mistress, vied with each other in the profusion of their donations. The Duchesses D'Aiguillon and Lesdignières, and the Countess Guercheville, figured in their train. The gazettes of the day were spangled with the names and titles of female patronesses of missions. Money, clothes, and valuable effects, flowed in upon the Jesuit. Young ladies were even sent to Canada to nurse the sick Christian Indians, and that superb establishment in Quebec, the *Hotel Dieu*, was founded by the Duchesse D'Aiguillon for an Indian hospital. To repay so much liberality the Jesuit missionaries sent back the most wonderful accounts of their success. According to their reports, the Six Nations, and divers other nations, were converted, and the island of Orleans, below Quebec, contained six hundred Indian monks and nuns, regularly divided, male and female, into two distinct societies.* The zeal of the ladies rose to frenzy, and Father Cotton had to moderate it.

Mr. B. said that the French Calvinists, all the while, insisted that the Jesuits were doing no good to the Indians, but acquiring much power and riches for themselves—for which they were, of course, stigmatized by the Jesuits as the enemies of the Indians. On which side the better reason was, might be guessed at from the fact, that, when the English Government succeeded to the sovereignty of the Canadas, they found the Jesuits in possession of very few converts, and in the enjoyment of very large revenues; no less than forty-four thousand dollars per annum, which went to the British crown upon the extinction of the order, some years ago: and there ended the charities of Parisian ladies in favor of converting American Indians.

But, Mr. B. said, it was not Father Cotton and the ladies only who had tried this business and failed in it. All the Kings of France, from the discovery of Canada in 1600, to the cession of that province and Louisiana in 1763, had made the same experiment, with the same wonderful success in the beginning, and the same miserable result in the end. In the reigns of these kings, the missionaries covered the valley of the Mississippi, and carried their adventurous zeal to the shores of Lakes Superior and Winnipeg, and to the banks of the Saskatchewan River, everywhere converting nations, and building chapels, and bringing to their altars innumerable worshippers of the only true and living God. And, yet, what is the present fruit of all this labor? If a traveller on the banks of the Mississippi should inquire for the monuments of that time, and of that work, he might be pointed to the walls of a fallen down house in the village of Kaakaskia, and told "that was the Jesuits' College;" he might be pointed to a stream of water below St. Louis called *La Riviere des Pères*, (river of the fathers,) and to another above called *La Riviere des Moines* (river of the Monks)—and informed that these walls, and these names, are the only vestiges which now remain of all the labors of that powerful order in this magnificent valley.

Mr. B. pointed to Lake Superior, and said it was the same thing there. The site of the chapel which contained 800 worshippers in the time of Charlevoix, was now unknown. Nay, more: the knowledge of the fact that missionaries had ever been there, was itself in danger of being lost. He had the authority of Sir Alexander McKenzie, for asserting that this knowledge, even thirty years ago, was confined to the stream of tradition, and to the memory of some superannuated old men. If such had been the fruit of missions patronized by such men as Henry IV. and the Duke of Sully, Louis XIII., Cardinal Richelieu, Louis XIV., and the great Colbert, led by an order who, for energy and devotion, have been styled the Janissaries of the Papal throne, Mr. B. said that he, for one, was ready to despair of any great success from our empty pockets and discordant forces.

Mr. B. said that he had covered no more ground than the terms of the resolutions required, and he had done so designedly. He had seen in a gazette of the city the copy of a constitution, and a list of the grand dignitaries of a vast society announced for the conversion of Indians. The list embraced all Presidents and Ex-Presidents; all Secretaries of War, and State, and Treasury, and Navy; all Judges and Governors, Generals and Commodores, Preachers and Schoolmasters, and all members, present and to come, of both Houses of the Congress of the United States. As a member of the Senate, he found himself included in the list, certainly without his knowledge, and equally certain without his approbation. He had, therefore, made this exposition of his senti-

* "Le désir d'imiter la reine des vierges, faisoit embrasser le célibat à un très grand nombre des filles; et la conduite édifiante de ces épouses de Jesus rendoit respectable, parmi les sauvages, un état qui, peu d'années auparavant, y avoit été méprisé."—*Charlevoix, Histoire de la Nouvelle France*, vol. 2, page 55.

SENATE.]

Death of Mr. Pinkney.

[FEBRUARY, 1822.]

ments to show that he did not countenance the views of the society. He was laid under a necessity of doing so, for the constitution and list is printed in this city; the elections are said to have taken place in this city; all is done, as it would seem abroad, in our very presence; and, if we do not except to the procedure, we agree to it; silence gives consent. And what impositions may not be practised? The ninth article of this constitution, creates a Committee of Ways and Means—five the complement, and three the quorum. This committee is enjoined “to devise and prosecute to effect the measures most practicable, and best adapted to supply the Society’s treasury with the necessary funds to carry on its operations.” This quorum of three are the soul of the Society; they are to raise the wind! How? Nobody knows. Who are they? Nobody knows. What may they not do in the name of this redoubtable society! They may run subscriptions through all parts of Europe and America, and who could have the courage to refuse a mite to such a formidable array of beggars? The weak and credulous would give what was due to their children, their servants, or their poor neighbors, under the delusive idea that the great men whose names they saw, were seriously engaged in converting Indians, and would faithfully apply all that was received to that object.*

Mr. BROWN, of Ohio, said, in answer to the call thus made on him, by the gentleman from Missouri, that he could only observe that he was unable to give an estimate, tolerably correct, of the value of the property of Ohio, possessed by the United Brethren. He believed that the cultivated portion of their grant was comparatively small, and, to all appearance, the revenue derived from it could not be very considerable; he was uninformed what might have been the amount, as well as its application. The State of Ohio, for several years, exempted the land from taxation. In the course of time, since the first Moravian mission was sent to the Tuscarawas, (now fifty years or more,) it would seem, from their own accounts, that their zeal for propagating the gospel had been so successful as to assemble a large congregation of Indians, whom they had converted to Christianity, which congregation has now become nearly extinct; owing to massacre, wars, and dispersion, together with many of the vices that usually attended a degraded community, so that the unfortunate Indians, in that region, under the special protection of the Brethren, have dwindled to a few families; comprehending, in all, perhaps twenty individuals, inhabiting a wretched hamlet, called Goshen, on the

Tuscarawas branch of the Muskingum; exhibiting, like the persons of the natives, an appearance of squalid wretchedness. They have among them a resident from the society, and are said to cultivate a common field in a rude and imperfect manner. This remnant shows no symptoms of mental improvement; but, on the contrary, many marks of their degradation appear in their idleness, want, and habits of intoxication among the men. As the condition of these Indians, to whom the professed benevolence of the United Brethren has been extended, seems, said Mr. B., in no way improved; the ostensible object of that same mission, in which Mr. Heckewelder spent above forty years, has totally failed.

Mr. LOWRIE, of Pennsylvania, observed that, on hearing the resolutions read, he had no objections to their passage. He was always in favor of information on every subject where there was any allegation of mismanagement, or, as in this case, a failure of the use. Of the present case, he knew nothing on either side, and he should not have said a word, had it not been for the general remarks of the gentleman from Missouri, which appeared to him to have been perfectly gratuitous, at least he was not able to see their application to the resolutions now under consideration. He did not like discussions of this kind to be brought before the Senate, unless arising out of the business immediately before us. Should it become necessary to discuss this subject, he, Mr. L., believed it would not be difficult to give a very different view of the subject from that given by the gentleman from Missouri. Without denying the facts adduced, Mr. L. said, he could produce other facts which would place the subject in another light, and he had long found it necessary, in coming to a correct conclusion, to hear both sides. If there have been mistakes on this subject, it is not surprising, and from those very mistakes information would be derived. It was likely that those engaged in this benevolent business had, at the first, kept too much out of view the necessity of teaching the Indians agriculture and the common arts of civilized life. The proceedings of the different missionary societies show that this error is now corrected. He did not intend to engage further in the discussion. He would not have said a word had it not been that an inference in favor of such general remarks might have been drawn from the circumstance of their being permitted to pass in silence.

The question was then taken on the adoption of the resolutions; and they were agreed to.

TUESDAY, February 26.

Death of Mr. Pinkney.

The Journal having been read—

Mr. LLOYD, of Maryland, rose and addressed the Chair as follows:

Mr. President: It has become my painful duty to announce to the Senate the melancholy

* These concluding sentences unveiled the object which this speech had in view, which otherwise might not seem to have any practical application. It was to bring the public mind to consider what must happen to this formidable Society, by showing what had happened to all such from the discovery of the two Americas. The speech had the desired effect, and the Society expired in the birth.

MARCH, 1822.]

Lands for Education.

[SENATE]

fact, that my much esteemed and distinguished colleague is no more. An attempt to excite the sympathies of the Senate for a loss so great, and so afflicting, would betray a suspicion of their sensibility, and would do injustice to the memory of him whose loss we must all sincerely deplore. This chamber, sir, has been one of the fields of his fame. You have seen him in his strength. You have seen him the admiration of the Senate; the pride of his native State; the ornament of his country. *He is now no more.* But, for his friends and relatives, there is consolation beyond the grave. I humbly and firmly trust, that he now reposes on the bosom of his God.

Mr. KING, of Alabama, then rose, and submitted the following resolve, prefacing it with the observation, that, although the Senate and the country knew and honored the public character of the deceased, *he* had known him as a man, and knew how to appreciate the loss which they had all sustained:

Resolved, unanimously, That a committee be appointed to take order for superintending the funeral of the Honorable WILLIAM PINKNEY, which will take place to-morrow morning, at eleven o'clock; that the Senate will attend the same; and that notice of the event be given to the House of Representatives.

On balloting for a committee, the following gentlemen were chosen:

Mr. KING of New York, Mr. MAOON of North Carolina, Mr. BARBOUR of Virginia, Mr. RODNEY of Delaware, and Mr. WILLIAMS of Mississippi.

On motion of Mr. KING, of Alabama, it was also unanimously

Resolved, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the Honorable WILLIAM PINKNEY, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing a crape round the left arm.

Resolved, unanimously, That, as an additional mark of respect for the memory of the Honorable WILLIAM PINKNEY, the Senate do now adjourn.

And the Senate adjourned accordingly.

THURSDAY, February 28.

Lands for Education.

The Senate then, according to the order of the day, took up, in Committee of the Whole, the following resolutions, submitted by Mr. LLOYD, on the 10th of January, and postponed from time to time to this day:

Resolved, That appropriations of territory for the purposes of education, should be made to those States in whose favor no such appropriations have been made, corresponding in a just proportion with those heretofore made to other States in the Union.

Resolved, That the foregoing resolution be referred to a select committee, with instructions to report a bill pursuant thereto.

Mr. LLOYD rose, and addressed the Senate

about an hour and a half in support of the right, the equity, and the expediency of the object proposed in the resolution; when, not having concluded the remarks which he wished to offer on the subject, he asked the indulgence of the Senate to be permitted to conclude them to-morrow; and, thereupon, the resolution was, on motion of Mr. BARBOUR, laid on the table.

FRIDAY, March 1.

Appropriations for holding Indian Treaties.

The following Message, from the PRESIDENT OF THE UNITED STATES, was received yesterday:

To the Senate of the United States:

Under the appropriation made by the act of Congress of the 11th of April, 1820, for holding treaties with the Creek and Cherokee Nations of Indians, for the extinguishment of the Indian title to lands within the State of Georgia, pursuant to the fourth condition of the first article of the articles of agreement and cession, concluded between the United States and the State of Georgia, on the 24th day of April, 1802, a treaty was held with the Creek Nation, the expense of which, upon the settlement of the accounts of the commissioners who were appointed to conduct the negotiation, was ascertained to amount to the sum of \$24,695, leaving an unexpended balance of the sum appropriated, of \$5,806; a sum too small to negotiate a treaty with the Cherokees, as was contemplated by the act making the appropriation. The Legislature of Georgia, being still desirous that a treaty should be held for further extinguishment of the Indian title to lands within that State, and to obtain an indemnity to the citizens of that State for property of considerable value, which has been taken from them by the Cherokee Indians, I submit the subject to the consideration of Congress, that a further sum, which, in addition to the balance of the former appropriation, will be adequate to the expenses attending a treaty with them, may be appropriated, should Congress deem it expedient.

JAMES MONROE.

WASHINGTON, Feb. 25, 1822.

The Message was read, and referred to the Committee on Finance.

Lands for Education.

The Senate then resumed, in Committee of the Whole, the consideration of the resolution relative to an appropriation of public land to the old States, for education.

Mr. LLOYD resumed the speech which he commenced yesterday in support of the resolution, and occupied the floor about an hour.

Mr. EDWARDS, of Illinois, next rose, and spoke nearly two hours against the resolution, as follows:

Mr. President: notwithstanding that any opposition to the resolution upon your table, on the part of the Representatives of the new States, has been denounced as "disreputable to their characters for honesty and justice," not only by many of our most distinguished and patriotic public journals, but also by one of the

most respectable States of the Union; yet, sir, a sense of duty will not permit me to decline an investigation of the subject, hopeless as it may be to oppose my feeble efforts to the transcendent abilities with which the proposition under consideration has been supported, and, unpleasant as it is, to subject myself to imputations, which the zeal of many of its ablest advocates affords me but little prospect of escaping. I shall, however, carefully endeavor to follow the example of the honorable gentleman who has just resumed his seat, (Mr. LLOYD,) in treating the subject with such deference to the feelings of others, as to furnish no ground of exception to any gentleman, with whom it may be my misfortune to differ in opinion; and permit me to say, sir, that equally with the gentleman from Maryland, appreciating the advantages of education, regarding it as a most efficient means of increasing the virtue, knowledge, and happiness of mankind, and of imparting additional moral power, stability, and embellishment to our republican institutions, it would afford me the sincerest gratification, to unite with him in any just and proper measure for the advancement of that important object. But, sir, it appears to me to be doubtful, at least, whether Congress can rightfully adopt, for that purpose, the measure now under consideration.

The appropriation which we are asked to make, is avowed to be for a mere State purpose, and in that point of view, I shall proceed to consider it under every modification of which it is susceptible. The question then is, can the resources of this nation be thus applied? This should be tested by principle rather than by the "precedents upon precedents" referred to and relied upon by the gentleman from Maryland; for this Government is much too young to acknowledge the force of any precedents not founded upon, and much less of those which are in opposition to principle; and gentlemen who are disposed to avail themselves of an argument deduced from mere precedents, in the present case, ought to recollect how little inclined they would be to respect such authority, in a variety of other cases that might be referred to.

In discussing this subject, said Mr. E., I may, I presume, safely premise that the duties, powers, and objects, of the Federal and State Governments, are separate and distinct; that the success of our whole governmental experiment, and the prosperity and happiness of this nation, depend upon the fidelity and wisdom with which those governments respectively discharge their appropriate functions. Each government has, for those important purposes, and as necessary thereto, its own particular resources, which cannot be yielded up, or misapplied, without impairing its capacity to fulfil the objects of its institution; for nothing could be more nugatory than a grant of powers without the means of executing them. The resources of this Government are found from ex-

perience to be, at this time, inadequate to its wants; any measure, therefore, whose tendency would be further to embarrass and cripple its operations, must be deemed highly inexpedient at least.

Mr. President, (said Mr. E.,) the gentleman from Maryland appears to have reviewed, with critical accuracy, all the events connected with the acquisition of the national domain; and he has, with great perspicuity, traced out the origin, and demonstrated the validity, of our title to it. But, sir, whether it has been acquired by conquest, cessions from particular States, or purchases from foreign powers, one thing is undeniable—it has doubtless been acquired by, and exclusively belongs to the Confederation, or Union. It must, therefore, be considered as national, and not State property, and, by fair inference, is applicable only to national and not State objects. It is true, as contended by the honorable gentleman, that it is a common fund, in which all the States are interested. So, sir, is the revenue, and every other species of property belonging to the United States, in relation to all of which the interest of the States is precisely the same. Being a common fund, applicable to the use and support of the General Government, the States can enjoy the benefits of it only in its just and legitimate application to national purposes. I hold it, therefore, that no State can rightfully claim, and of course to none can be granted, the separate and distinct use, and enjoyment of, the property, or funds of the nation, in consequence of a right to a common participation therein.

Independent, however, of these general considerations, the adoption of the proposed measure is, I think, forbidden by a just regard to the positive stipulations of the United States which ceded the public domain on the East side of the Mississippi River. Let us, said Mr. E., for a moment, attend to the circumstances under which those cessions were made, which have been so eloquently narrated and commented upon by the gentleman from Maryland.

During our Revolutionary struggle, which eventuated so happily, in the establishment of our liberty and independence, the pecuniary resources of the nation had been exhausted; and, at the close of the contest, it found itself loaded with a heavy debt, incurred in the prosecution of the war, which it had not the means of discharging; but which every dictate of justice, honor, and gratitude, required should be provided for, at the earliest practicable period, by every means which the nation could command.

Several of the States claimed large tracts of waste and unappropriated territory in the Western country, as being within their chartered limits. These claims had long been the subject of much animated, and sometimes irritating discussion, as is sufficiently obvious from the authorities read by the gentleman from Maryland. The States which had no part in those lands, had earnestly insisted that, if the

MARCH, 1832.]

Lands for Education.

[SENATE.]

dominion over them should be established by the common force and treasure of the United States, they ought to be appropriated as a common fund for defraying the expenses of the war. Congress, appealing to the generosity, magnanimity, and patriotism, of the States having those claims, had recommended and solicited liberal cessions of a portion of them, for the same purposes—promising, as inducements thereto, by the very resolution which the honorable gentleman has read to you, that all the lands which might be so ceded or relinquished, should be disposed of for the common benefit of the United States; that they should be settled and formed into distinct Republican States, which should be admitted into the Federal Union; and that the regulations for granting and for settling those lands should be prescribed by Congress.

The States thus appealed to, yielding at length to a laudable spirit of harmony and conciliation, made the cessions which had been requested of them—not, however, without stipulating very explicitly that those lands should be considered as a common fund for the use and benefit of the Union, as it then was, or thereafter might be; and that they should be faithfully and bona fide disposed of for that common purpose, “and for no other use or purpose whatsoever.”

The United States, therefore, having solicited and accepted of the cessions upon such terms—under such circumstances—having bound themselves, by solemn compact, to dispose of those lands for the use and benefit of the Union—“and for no other use or purpose whatsoever,” Congress cannot now, I think, consistently with good faith and honor, disregard those solemn engagements, by withdrawing the whole, or any part of the fund so surrendered, from the use of the Union, and appropriating it to that of any one or more States.

Sir, said Mr. E., the stipulations of the United States embrace the whole of those lands. If, then, you can withdraw any part of them from the use for which they were specially solicited, ceded, and accepted, where, I beg leave to ask the gentleman from Maryland, is the limit to your power over them? Why may you not as well make partition of the whole of them among the several States of the Union? And how then would you fulfil the stipulations of the United States? First, that the regulations for granting and settling those lands should be prescribed by Congress. Secondly, that they should be settled; and, thirdly, that being settled, they should be formed into distinct Republican States, and admitted into the Federal Union. It cannot be contended that we are competent to delegate powers for such purposes to the States, for, if that be the case, there are no powers with which we are invested, that might not, with equal propriety, be transferred.

Mr. President, said Mr. E., it is no answer to these objections to contend, as the gentleman from Maryland seems to do, that the claims of

the ceded States were not just and valid; for, however defective they may have been originally, the United States, by accepting of the cessions upon special conditions, must be considered as having admitted the right, and bound themselves to comply with the conditions: otherwise, there could be no faith and confidence reposed in any adjustment, arrangement, or contract, with Government. [Here Mr. LLOYD rose and explained the remarks he had made; and having resumed his seat, Mr. E. again proceeded.]

But, sir, let us inquire into the extent of the appropriation we are called upon to make. Instead of the “small slice,” as described by the gentleman from Maryland, it is to the enormous amount of about ten millions of acres of the national domain, which, at the average price at which those lands have hitherto been sold, would produce a sum nearly equal, if not entirely so, to the whole amount of the net proceeds of the sale of public lands, received into the Treasury of the United States, during the last nineteen or twenty years. It would be needless to review the extraordinary circumstances which, in this period, so powerfully contributed to augment the receipts of the Treasury from this source of our revenue. Similar causes are not likely to recur for many years to come; and, calculating upon the sales that have been made since those causes have ceased to operate, a much longer period, probably not less than double that length of time, would be requisite to effect sales to the same amount.

What then, Mr. President, is to be the consequence of granting this quantity of land to the States, in whose favor it is applied for? It surely cannot be seriously intended to vest the old States with the power to plant colonies of tenants in the new ones. This would be impracticable, and, to those States, utterly useless. Waiving other important considerations, which I forbear even to allude to, the vast extent of the national domain, and the cheapness of unimproved lands, thank God for it, afford but little prospect of renting such lands to advantage, or of even having them settled and improved for the use of them.

The object, then, must be either to authorize the States to dispose of the land, or that this Government shall become their auctioneer for that purpose. The former would be transferring to those States a power exclusively delegated to Congress—a right to do that which, according to the stipulations before referred to, can only be performed by Congress. For, I take it for granted that, if you cannot vest in the States the right to dispose of their respective interests in the whole of the public lands, you can transfer to them no power to dispose of any part of them. But, sir, supposing there is nothing solid in this objection, what is to be the effect upon your Treasury, of authorizing the States to sell the land proposed to be granted to them? They must enter into competition with you. In proportion to the extent of

their sales, whatever they may be, yours must be diminished; because not only the price, the sale of land, must depend upon the relation which supply bears to demand; for if the price be so low, and the supply so great, that it ceases to be an object of speculation, there can be no motive to purchase it but for cultivation. As the Government, however, would still have an infinitely greater variety of lands to select from, the States could not sell at all to any extent without underselling the Government. This, therefore, they must do, otherwise their lands would be of no use to them. Recollect, sir, the millions of acres which you have granted in military bounties. These have already come into competition with you at the reduced price of twenty to forty dollars a quarter section, and have most materially curtailed your sales. Add to them the ten millions of acres now proposed to be granted, you must abolish your present system of sales, and abandon your minimum price altogether, or close up your land offices for twenty, thirty, or forty years to come.

Take, then, sir, if you please, the other alternative, that the Government shall dispose of the land for the benefit of those States. To this some gentlemen seem to think there can be no objection, because the constitution has delegated to Congress the power of disposing of the property of the United States, though that power is, by express stipulation, and plain and obvious inference, coupled with the positive duty of disposing of such property for the benefit of the Union. By this plan, however, the injurious effects of competition might be avoided, and the present minimum price preserved. But, as has been already shown, it would require some twenty years at least to dispose of the land, though not an acre should, in the mean time, be sold for the benefit of the Union. This would indeed be transforming Federal into State agents; abstracting them from duties for whose performance they were solely created, and devoting them to a pretty long servitude to mere State purposes. Now, sir, admitting we have a right to give away the land to the States, whence do we derive the power to constitute ourselves, and our successors, too, their agents and trustees? Or to convert this Government into such State machinery?

But, sir, putting the best possible aspect upon this plan, it can amount to nothing less than a virtual grant of money, to be paid out of the public Treasury, with a pledge of our already pledged, repledged, triple, quadruple, quintuple pledged public lands, for its payment. Is, then, that a proper time for making such an appropriation, when the receipts of the Treasury are not more than adequate to the current expenses of the Government? When the Government has to support itself by loans of five millions at a time? And when every man in the nation, of ordinary sagacity, must be convinced that we must soon resort to a permanent system of internal taxation? Sir, said Mr. E., it cannot be disguised from the people of this nation, that,

in proportion as we misapply or impair any of the ordinary sources of revenue, additional burdens must be imposed upon them. And can it be supposed that they will be reconciled to an appropriation, to such an amount, attended with such consequences, without even the pretence of power on the part of Congress to enforce its application to the objects for which it is to be granted?

But, sir, what is to be the extent to which the new doctrines upon which the present proposition is supported, are to lead us? One false step begets another. If, because one thirty-sixth part of the national domain, in the new States, has been appropriated to the support of education therein, the States in which there is no public land are entitled to an appropriation of equal amount, as contended by the gentleman from Maryland, why may they not, with equal propriety and justice, claim a much larger proportion of the net proceeds of the sale of public land for a different purpose; and one, too, which has not escaped the attention of the honorable gentleman, but has been several times referred to by him in the course of his remarks? By stipulations with the new States, one-twentieth of those proceeds is appropriated to the making of roads in and leading to them. Are not roads, as well as education, equally necessary to every State in the Union? And if you grant the proposed appropriation for the support of education, upon the principles contended for by the gentleman from Maryland—not asked as a favor, but, according to his own language, “demanded as a right”—upon what ground can you refuse the suggested appropriation for public roads? If the latter be granted, then will not only this source of national revenue be completely annihilated, but other sources must be rendered tributary to the States. For if a sum equal to one-twentieth of the proceeds of the sale of public land, is to be granted to each State, then, as certainly as that twenty-twentieths are the whole, those proceeds can only satisfy twenty States, and the balance must be paid out of some other branch of the revenue.

In short, sir, it appears to me that we have no more right to grant away to the States the funds, than the powers of this Government; for, take from it its pecuniary resources, and destroy its character for good faith, it would be idle mockery to pretend to talk about its powers.

MONDAY, March 4.

Florida Territorial Government.

The Senate then took up the bill to establish a government for the Territory of Florida, and spent the remainder of the sitting in discussing and maturing its numerous provisions; in the course of which, Mr. WALKER offered an amendment containing provisions for annexing a part of West Florida to the State of Alabama. This

MARCH, 1822.]

The Proposed Adjournment.

[SENATE.]

amendment was ordered to be printed, and the bill was laid on the table.*

MONDAY, MARCH 4.

The Proposed Adjournment.

The Senate took up the resolution offered by Mr. KING, of New York, on Friday, proposing that the present session be adjourned on the first Monday in April.

Mr. K. merely observed that nothing had yet been done; that nothing more than the ordinary and necessary business of the session would be done; and it was better, therefore, to terminate the session.

Mr. SMITH said that, owing to the larger number of the other House, it was true it had not progressed with business as fast as the Senate; and it was not to be expected that it could. The great mass of business was generally considered and acted on in the other House first; they knew what they had to do, and it was better that a proposition to fix a day for adjournment should come from that House. Though much had not yet been done, it was no reason that much should not be done; but it could not be unless time sufficient were allowed. If the sessions should be limited to a period too soon for completing the public business, it would be followed by a bill to meet earlier at the next session; so that nothing would be gained by a hasty adjournment. It was certainly too soon to fix a day of adjournment; there was much important business before both Houses, which ought to be acted on deliberately; and it was impossible to say now exactly how long it would require.

Mr. HOLMES, of Maine, thought it was time to go home; nothing would be lost by postponing most of the important questions now before Congress to the next session; and he was the more in favor of an early adjournment, as it would, he hoped, be the foundation of an act for an earlier meeting of the next session. Under the present arrangement of the meetings and adjournments of Congress, the Northern members labored under the disadvantage of coming and returning at a bad season, both as it regarded the weather and the roads. He saw no reason why one session should be six months and the other three months long. By adjourning earlier and meeting earlier, every alternate session, the sessions would be equalized, and the inconveniences he had referred to would be done away.

Mr. KING, of New York, said, at the opening of the session, the President gave such a view of the public affairs as presented very little business for the consideration of Congress. The finances of the country, it was stated, were free from difficulty, the income being sufficient for

the public expenditures; and, as the great business of the money affairs of the nation stood well, there was not much at the beginning of the session which demanded the attention of Congress. Mr. K. said the session had passed off in a very indolent manner, and it was desirable that it should be brought to a speedy close. If there was any thing of importance necessary to be done, it had already received such a portion of consideration as to be acted on within the time proposed by the resolution. But, he repeated, that, as there was nothing to do, and as nothing would be done, it was better to adjourn. If the other House should think differently, they could say so; it was for them to be responsible for protracting the session, if they deemed it necessary; but it was time the Senate should say that they were ready to close the session.

Mr. VAN DYKE said no inconvenience or injury could arise from adopting the resolution. Congress had been a long time in session; the records would show that very little had been done, and the files would show that little of what might be called public business claimed attention. It would be as well to remind the other House that the Senate had nothing before it which would prevent an adjournment, and that it would be prepared to close the session by an early day.

Mr. LOWRIE observed, that if this resolution passed, it would be at least admitted that many of the committees had been very unnecessarily occupied with the business referred to them. But, he conceived, if it was right in the Senate to impose on committees the labor of investigating subjects, it was proper for the Senate to consider and dispose of the reports which were made. He alluded particularly to the Committee on Public Lands, and the number of important cases referred to it, relative to private claims, which had been reported on, and which, in justice to the petitioners, ought to be acted on. As to public business, Mr. L. said that it was desirable that it should never be legislated on very rapidly or hastily. For these reasons he was opposed to the resolution, and moved, to try the question, to strike out the *first* Monday of April, and insert the *third* Monday, which would extend the session to the 15th of the month. He was as anxious as any member to terminate the session, but could not consent to do so until the public business was attended to, and the numerous petitions now before Congress disposed of.

Mr. LLOYD said, if the adoption of the resolution could expedite the adjournment, he would be in favor of it; but the experience of this morning proved to him that it would not; and, indeed, he never saw these resolutions have any effect but to give rise to debate. If we are seriously disposed to close the session, said Mr. L., let us go seriously to work on the business before us. The time spent in this very debate might have been saved, and something useful acted on. Mr. L. was not aware of many ques-

* This bill corresponded with the ordinance of 1787, with the modification which had been made in the Orleans Territorial bill, and with the exception of the anti-slavery clause, and some other provisions relating to slavery.

tions of national importance which required the attention of Congress; but, as long as the right of petition was secured to the people—as long as they had the right to come before Congress for a redress of grievances, it was the bounden duty of Congress to hear and decide on their petitions. These were generally presented to the other House through the immediate representatives of the people, and it was for that House to say when they could get through the claims before them, and complete their business. Mr. L. was in favor, therefore, of waiting for the House of Representatives to suggest a day of adjournment.

Mr. MAÇON said, gentlemen from the North complained that the roads were bad, at the seasons when Congress met and adjourned; but he had always understood that the roads were all turnpiked north of Maryland, and that it was the Southern members who labored under this disadvantage; but surely roads which the neighbors used every day could be travelled by members of Congress twice a year. This, however, was not the question. The real question was, whether the business could be done in a given time. He should vote for the resolution, no matter what day was inserted, as he wished to fix on some day; for, he said, legislation was like a snow ball; the more you roll it, the bigger it grows, and the longer we sit here, said Mr. M., the more business we make. Fix a day, and we shall get clear of those incessant motions for new subjects, and the business before us will be taken up and done.

Mr. SMITH, to show the futility of fixing on a day so long in advance, referred to an instance in which the Senate had proposed to the other House to terminate the session on the 10th of April, and they did not actually adjourn until the 15th of May. It was impossible to say whether the public business could be brought to a close by a particular day so far ahead. This, he remarked, had been called a talking Government; it was so; and he cared not what was said, so long as the public business did not go undone. Was the fatigue complained of, incurred in doing nothing? Was not the Senate, he asked, every day engaged in considering some business or other in which the people were interested? So long as he was conscious of not neglecting his public duties, he disregarded any thing that was said by the newspapers. As to the complaints of the printers, they would always complain, whether with or without reason; some of them wished to take away our desks, others might next propose that we dispense with our seats; and many, no doubt, would think our time well employed if it were entirely spent in reading the useful information of the newspapers. But the complaints referred to, Mr. S. contended, were in a great measure unfounded and unjust. Who could tell the time necessary for the investigation of the various questions which came before Congress for consideration, but those who were here to witness the intricacy of many

of them, the difficulty of arriving at right conclusions, the numerous documents connected with them, the ingenuity of claimants, and the necessity of mature deliberation. Few persons at a distance could appreciate these reasons for delay, in deciding even on the multitude of private claims, and still less on the necessity of fully examining questions of great national concern before they were decided on. Was Congress, he asked, to transform itself into a Quaker meeting, take up every thing at a word, discard all debate, and decide every question by simple yea and nay? Mr. S. avowed his belief that the safety of the liberties of the country lay in deliberation; and, although much might be uttered here which was unnecessary, or even foolish, this was a small evil compared with the value of discussion and deliberation. It is very true that all the business before Congress was disposed of at one session; he should never forget it; and he well remembered that between eight o'clock at night of the last day of that session, and the following morning, the President of the United States approved and signed between seventy and eighty bills; there was no time allowed for discussion; no man dared attempt to speak on them; all that he could do was to say aye or no; the rule was suspended which required the bills to be read on different days, all the safeguards of deliberation were broken down; and he well remembered that seven laws passed three readings in ten minutes, for he had held his watch in his hand and noted the time. These were the fruits of precipitate adjournment. The same consequence would always ensue if time were not allowed for the deliberate transaction of the business. This was not the way to legislate on the important affairs confided to them by the people.

Mr. OTIS said, that, from the earnestness with which this resolution was debated, one would suppose that it was a motion to coerce the other House into an adjournment. He presumed the proposition must begin somewhere; and, under present circumstances, it could not be expected to originate for some time to come in the other House. They could not, after occupying so many weeks in preparing business for this House to act on, be expected to follow it with a proposition to us to adjourn. It would come with more propriety from this House, because it was for the Senate to say when they could probably get through the business sent up from the House of Representatives for concurrence. It was a fact, Mr. O. said, that the business of the country was unnecessarily procrastinated, and it was proper for the Senate to show that it, at least, was unwilling to prolong the session beyond a reasonable period, or to consume time unnecessarily.

The motion made by Mr. LOWRIE, to strike out the first Monday of April, and insert the second, was lost—ayes 15, noes 24; and the resolution was agreed to, ayes 28.

The Senate then adjourned.

MARCH, 1822.]

South American States.

[SENATE.]

WEDNESDAY, March 6.

Government of Florida.

The Senate then resumed the consideration of the bill to establish a government for the Territory of Florida, and spent some time in considering the amendments adopted yesterday in Committee of the Whole.

The Committee of the Whole, yesterday, on motion of Mr. KING, of Alabama, struck out of the bill the following clause of the eleventh section:

"No slave or slaves shall, directly or indirectly, be introduced into the said Territory, except by a citizen of the United States, removing into the said Territory for actual settlement, and being at the time of such removal, bona fide owner of such slave or slaves; and every slave imported or brought into the said Territory, contrary to the provisions of this act, shall, thereupon, be entitled to, and receive, his or her freedom."

On the question of concurring with the committee in striking out the clause, Mr. MILLS made some remarks to show the expediency of retaining it in the bill. Mr. KING, of Alabama, replied, and Mr. MILLS further advocated a disagreement to the amendment. Messrs. BARROW and VAN BUREN joined briefly in the discussion, and Mr. LLOYD spoke against the clause at considerable length, and with much earnestness.

The question on agreeing with the Committee of the Whole in striking out the clause, was decided by yeas and nays, in the affirmative, as follows:

YEAS.—Messrs. Barbour, Benton, Brown of Louisiana, D'Wolf, Eaton, Elliott, Gaillard, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Lloyd, Macon, Noble, Pleasants, Smith, Southard, Stokes, Van Dyke, Walker, Ware, Williams of Mississippi, and Williams of Tennessee—23.

NAYS.—Messrs. Barton, Boardman, Brown of Ohio, Chandler, Dickerson, Findlay, Holmes of Maine, King of New York, Knight, Lanman, Lowrie, Mills, Morrill, Otis, Palmer, Parrott, Ruggles, Seymour, Thomas, and Van Buren—20.

Considerable debate took place on a motion of Mr. EATON to amend the bill so as to provide that, in case of the absence of the Governor from the Territory, his duties shall devolve on the Secretary of the Territory. The motion being changed on the suggestion of Mr. WILLIAMS, of Mississippi, so as to embrace, verbatim, the similar provision of the act of 1789,[†] respecting the government of Territories, the amendment was agreed to.

[†] This provision is in the Orleans Territorial bill of 1804, and on the question to strike it out of this Florida bill, the argument rose no higher than that of expediency—as that the Floridas were thinly populated, and that the same reasons did not exist for restraining the increase of slaves in the Territory as in Lower Louisiana.

[†] Here the ordinance of 1787 is well quoted as "the act of 1787," as in fact it is—being adopted and continued in force by that act.

A motion was made to reduce the number of the Legislative Council from thirteen, as proposed by the bill, to seven, but was lost; and no other amendment being offered thereto,

The bill was then ordered to be engrossed, and read a third time.

THURSDAY, March 7.

Terrestrial Concavity—Theory and Project of Captain Symmes.

Mr. R. M. JOHNSON, of Kentucky, presented a petition from John Cleves Symmes, of Cincinnati, in Ohio, stating his belief of the existence of an inhabited concave to this globe; his desire to embark on a voyage of discovery, to one or other of the polar regions; his belief in the value and great honor to his country of the discoveries which he would make; that his pecuniary means are inadequate to the purpose, without public aid; and suggesting to Congress the equipment of two vessels of 250 or 300 tons for the expedition, and the granting of such other aid as Government may deem requisite to promote the object. A motion was made to refer the petition to the Committee on Foreign Relations, which was refused; and, after some conversation, it was decided to lay it on the table—ayes 25.

FRIDAY, March 8.

Cost of building Ships, and Expenses of Navy Yards.

Mr. HOLMES, of Maine, submitted the following motions for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, the expenses of building each vessel of war, at each navy yard in the United States, authorized by an act of the 2d of January, 1813, to increase the Navy of the United States, and the acts supplementary thereto; distinguishing each vessel so built; the expenses of timber, iron, copper, cordage, hemp, cloth, and other materials; the amount paid to agents or superintendents, specifying their names; the amount paid for labor, particularizing carpenters, mast makers, boat builders, block makers, blacksmiths, armorers, reemers, caulkers, gun-carriage makers, sawyers, riggers, and other laborers.

Resolved, That the President be requested to communicate to the Senate, the names and number of officers and men belonging to the Navy, employed in, or attached to, each navy yard in the United States, with the service each has performed, and the compensation each has received in pay, rations, and other emoluments, during the two last years, ending on the first of January last.

MONDAY, March 11.

South American States.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In transmitting to the House of Representatives the documents called for by the resolution of that House, of the 30th January, I consider it my duty to

invite the attention of Congress to a very important subject, and to communicate the sentiments of the Executive on it, that, should Congress entertain similar sentiments, there may be such co-operation between the two departments of the Government as their respective rights and duties may require.

The revolutionary movement in the Spanish provinces in this hemisphere attracted the attention and excited the sympathy of our fellow-citizens from its commencement. This feeling was natural and honorable to them, from causes which need not be communicated to you. It has been gratifying to all to see the general acquiescence which has been manifested in the policy which the constituted authorities have deemed it proper to pursue in regard to this contest. As soon as the movement assumed such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled by the law of nations, as equal parties to a civil war, were extended to them. Each party was permitted to enter our ports with its public and private ships, and to take from them every article which was the subject of commerce with other nations. Our citizens, also, have carried on commerce with both parties, and the Government has protected it, with each, in articles not contraband of war. Through the whole of this contest the United States have remained neutral, and have fulfilled with the utmost impartiality all the obligations incident to that character.

This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration whether their right to the rank of independent nations, with all the advantages incident to it, in their intercourse with the United States, is not complete. Buenos Ayres assumed that rank by a formal declaration in 1816, and has enjoyed it since 1810, free from invasion by the parent country. The provinces composing the Republic of Colombia, after having separately declared their independence, were united by a fundamental law of the 17th of December, 1819. A strong Spanish force occupied, at that time, certain parts of the territory within their limits, and waged a destructive war. That force has since been repeatedly defeated, and the whole of it either made prisoners or destroyed, or expelled from the country, with the exception of an inconsiderable portion only, which is blockaded in two fortresses. The provinces on the Pacific have likewise been very successful. Chili declared independence in 1818, and has since enjoyed it undisturbed; and of late, by the assistance of Chili and Buenos Ayres, the revolution has extended to Peru. Of the movement in Mexico our information is less authentic, but it is, nevertheless, distinctly understood, that the new Government has declared its independence, and that there is now no opposition to it there, nor a force to make any. For the last three years the Government of Spain has not sent a single corps of troops to any part of that country; nor is there any reason to believe it will send any in future. Thus, it is manifest, that all those provinces are not only in the full enjoyment of their independence, but, considering the state of the war and other circumstances, that there is not the most remote prospect of their being deprived of it.

When the result of such a contest is manifestly settled, the new Governments have a claim to recognition by other powers, which ought not to be resisted.

Civil wars too often excite feelings which the parties cannot control. The opinion entertained by other Powers as to the result, may assuage those feelings and promote an accommodation between them useful and honorable to both. The delay which has been observed in making a decision on this important subject, will, it is presumed, have afforded an unequivocal proof to Spain, as it must have done to other powers, of the high respect entertained by the United States for her rights, and of their determination not to interfere with them. The provinces belonging to this hemisphere are our neighbors, and have, successively, as each portion of the country acquired its independence, pressed their recognition by an appeal to facts not to be contested, and which they thought gave them a just title to it. To motives of interest this Government has invariably disclaimed all pretension, being resolved to take no part in the controversy, or other measure in regard to it, which should not merit the sanction of the civilized world. To other claims a just sensibility has been always felt, and frankly acknowledged, but they in themselves could never become an adequate cause of action. It was incumbent on this Government to look to every important fact and circumstance on which a sound opinion could be formed, which has been done. When we regard, then, the great length of time which this war has been prosecuted, the complete success which has attended it in favor of the provinces, the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the provinces which have declared their independence, and are in the enjoyment of it, ought to be recognized.

Of the views of the Spanish Government on this subject, no particular information has been recently received. It may be presumed that the successful progress of the revolution, through such a long series of years, gaining strength, and extending annually in every direction, and embracing, by the late important events, with little exception, all the dominions of Spain south of the United States, on the continent, placing thereby the complete sovereignty over the whole in the hands of the people, will reconcile the parent country to an accommodation with them, on the basis of their unqualified independence. Nor has any authentic information been recently received of the disposition of other powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition, of which several were some time past duly apprised, but it was understood that they were not prepared for it. The immense space between those powers, even those which border on the Atlantic, and these provinces, makes the movement an affair of less interest and excitement to them than to us. It is probable, therefore, that they have been less attentive to its progress than we have been. It may be presumed, however, that the late events will dispel all doubt of the result.

In proposing this measure, it is not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties, but to observe, in all respects, as heretofore, should the war be continued, the most perfect neutrality between them. Of this friendly disposition, an assurance will be given to the Government of Spain, to whom it is presumed it will be, as it ought to be, satisfactory. The measure is proposed, under a thorough conviction that it is in strict accord with the law of

MARCH, 1822.]

Restrictive System.

[SENATE.]

nations; that it is just and right as to the parties; and that the United States owe it to their station and character in the world, as well as to their essential interests, to adopt it. Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

JAMES MONROE.

WASHINGTON, March 8, 1822.

The Message was read, and referred to the Committee on Foreign Relations.

TUESDAY, March 12.

Bank of the United States—Officers to sign Notes.

The Senate then resumed the consideration of the following bill to amend the charter of the Bank of the United States:

Be it enacted, &c., That it shall be lawful for the directors of the Bank of the United States to appoint an agent and a register; and that all bills and notes of the said corporation, issued after the first appointment of such agent and register, shall be signed by the agent and countersigned by the register; that such bills and notes shall have the like force and effect as the bills and notes of the said corporation which are now signed by the president and countersigned by the cashier thereof; and that, as often as an agent or register of the said corporation shall be appointed, no note or bill signed by an agent or countersigned by a register, shall be issued until public notice of the appointment of such agent or register shall have been previously given, for ten days, in two gazettes printed at the city of Washington.

SEC. 2. *And be it further enacted,* That if any president, director, cashier, or other officer, or servant, of the Bank of the United States, or of any of its offices, shall fraudulently convert to his own use any money, bill, note, security for money, evidence of debt, or other effects whatever, belonging to the said Bank, such persons shall, upon due conviction, be punished by imprisonment, not exceeding — years, and by fine, not exceeding — dollars; either, or both, of said punishments, according to the aggravation of the offence.

On taking up the bill this morning, Mr. TALBOT moved its indefinite postponement.

On this motion and those which followed, a debate took place which occupied the Senate till near four o'clock.

The motion to postpone the bill indefinitely was finally lost by the following vote:

YEAS.—Messrs. Brown of Ohio, Chandler, Lanman, Macon, Noble, Ruggles, Smith, Talbot, Taylor, Thomas, and Williams of Tennessee—11.

NAYS.—Messrs. Barbour, Barton, Benton, Boardman, D'Wolf, Dickerson, Eaton, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, Johnson of Louisiana, King of Alabama, King of New York, Knight, Lloyd, Lowrie, Mills, Morrill, Otis, Parrott, Pleasants, Seymour, Southard, Stokes, Van Dyke, Walker, Ware, and Williams of Mississippi—29.

Mr. PLEASANTS then moved to strike out the 2d section of the bill; and after some debate, this motion was also lost, by the casting vote of

the Chairman, (Mr. DICKERSON), the votes being 19 for, and 19 against, the motion.

Mr. EATON moved an amendment to the 2d section, providing that "the court before whom the conviction shall take place, shall have power to enter a judgment against the party for the amount or value of the thing so fraudulently converted," &c.

The question was not taken on this amendment when the Senate adjourned.

THURSDAY, March 14.

Bank of the United States.

The Senate then resumed the consideration of the bill to amend the charter of the Bank of the United States. Mr. HOLMES having withdrawn the amendment offered by him, and pending yesterday when the Senate adjourned—

Mr. BARBOUR moved to strike out the first section of the bill, amended, as follows:

"That it shall be lawful for the directors of the Bank of the United States to appoint an agent and a register to reside at Philadelphia; and that all bills and notes of the said corporation, issued after the first appointment of such agent and register, shall be signed by the agent, and countersigned by the register; that such bills and notes shall have the like force and effect as the bills and notes of the said corporation which are now signed by the president and countersigned by the cashier thereof; and that, as often as an agent or register of the said corporation shall be appointed, no note or bill signed by an agent or countersigned by a register, shall be issued, until public notice of the appointment of such agent or register shall have been previously given, for ten days, in two gazettes printed at the city of Washington: *Provided, nevertheless,* That all such notes issued by said bank, of and under ten dollars, shall be payable at the principal bank, or at any of the branches of said bank."

After considerable discussion, the question was taken on the motion to strike out the first section, and was determined in the affirmative—yeas, 23, nays 19, as follows:

YEAS.—Messrs. Barbour, Benton, Brown of Ohio, Chandler, D'Wolf, Eaton, Holmes of Mississippi, Knight, Lanman, Lloyd, Macon, Mills, Palmer, Parrott, Pleasants, Ruggles, Seymour, Smith, Talbot, Taylor, Thomas, Van Dyke, and Williams of Mississippi.

NAYS.—Messrs. Barton, Brown of Louisiana, Dickerson, Edwards, Elliott, Findlay, Holmes of Maine, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Lowrie, Morrill, Noble, Southard, Stokes, Walker, Ware, and Williams of Tennessee.

The remaining section was then ordered to be engrossed and read a third time, by yeas and nays—27 to 13.

FRIDAY, March 15.

Restrictive System.

Mr. KING, of New York, from the Committee on Foreign Relations, to which had been

referred a memorial from South Carolina and one from Baltimore, praying a repeal of the restrictions on the West India trade, made a report vindicating at considerable length the expediency and policy of the restrictive system, as regards the trade with the British West Indies, and recommending that the committee be discharged from the further consideration of the subject.

The report is as follows:

The Committee on Foreign Relations, to whom were referred the memorial of R. Appleby and others, of the Colleton district, South Carolina, and the resolutions of the Chamber of Commerce of the city of Baltimore, praying for the repeal of the laws closing the ports of the United States against British vessels employed in the trade between the United States and the British colonies in the West Indies, report:

That, referring to the period between the completion of the Revolution and the adoption of the constitution, it cannot be doubted that the embarrassments of the agriculture, trade, and navigation of the several States were truly ascribed to the want of power in Congress to make adequate laws for their encouragement and protection; and no motive in favor of the adoption of the constitution, was more strongly or more generally felt than the opinion that the vesting of power in Congress to regulate trade, would serve to promote the welfare and prosperity of the Union.

The new Government, under the constitution, very soon experienced the influence created by the extraordinary changes that were taking place in France, and which, in the sequel, engaged all Europe in arms.

War between the great maritime powers invariably produces temporary relaxations of their laws respecting the trade and navigation of foreign nations with their respective territories. The suspension of these laws, and especially of such of them as regulated the colonial trade, had the effect of giving to the agriculture, trade, and navigation of the United States, the advantages which would have been given to them by a system of free trade, that should have for its basis the equal and reciprocal benefits of all nations.

The condition of neutrality that was adopted by the United States during the wars of the French revolution, secured to every commercial nation benefits which a peaceable and industrious people are able to afford during periods of great public calamity; and our example during these wars has served to prove that justice is the most profitable as well as the wisest policy of nations.

Since the establishment of the general peace, some of the maritime nations, notwithstanding the doubts that have been raised in regard to the truth of the former theories of trade, have returned to and resumed their ancient commercial policy; and, in consequence thereof, the United States have, in their own defence, been obliged to resort to the exercise of the powers to regulate trade vested in Congress for the purpose of protecting and cherishing the industry and navigation of the States.

Great moderation has been observed by the United States on this subject, and persevering endeavors have been made to adjust, by treaty, their commercial intercourse with foreign nations, and especially with England.

So far as respects the English territories in Europe and in Asia, the intercourse is arranged by the treaty of 1815; but this treaty contains no provision concerning the navigation and trade between the United States and the English colonies in the West Indies and North America. The value of this branch of trade, and the importance of the navigation employed in the same, have been long understood by both parties, and the actual embarrassment thereof, which now exists, cannot be ascribed to the want of a disposition on the part of the United States to have placed the same on a fair and friendly footing; but it continues to be insisted on by England, that not only the colonial trade, but the trade between the United States and these colonies, ought to be considered and regulated as a monopoly, that foreign nations are bound to respect, and with which they may not interfere.

The act, commonly called the navigation act of England, while it reserves the colonial navigation exclusively to the vessels of England and her colonies, opens the trade between England and foreign nations to the vessels of both, subject to equal and the same regulations.

The colonial, like the coasting trade, has been treated as a monopoly, so long as the same was confined to the navigation between territories of the same nation; but, whenever it may suit the convenience of a nation to open a trade between her colonies and a foreign nation, the claim to treat this trade as a monopoly is without just authority, being contrary to the rights of such foreign nation, which, within its own dominions, must possess authority to make such regulations as may be deemed expedient.

It is an unwarrantable extension of national monopolies, by *ex parte* laws, to attempt to include the navigation of a foreign nation within the rules by which the navigation between portions of the same nation is governed. If this may be done between the colonies and a foreign nation, it may also be done in respect to the navigation between any other portion, or the whole of the territories of such nation and foreign nations.

England allows the importation of lumber and breadstuffs from the United States into the colony of Jamaica, but forbids the same, unless the importation be made in English vessels; she also allows the importation of cotton and tobacco from the United States into England, but with equal right she may forbid the same, unless the importations be made in English vessels. This has not been done in the latter case, and there would be but one sentiment in the United States, should it be attempted; yet, in the former case, this is, and has been the law ever since the date of our independence, and it may, with equal right, be applied to Liverpool as to Jamaica.

After long endurance and fruitless efforts to adjust this question by treaty, Congress, with great unanimity, have passed laws to countervail the restrictions imposed by England upon the intercourse between the United States and her colonies in the West Indies.

England having forbidden the importation of supplies from the United States into the West India colonies in American vessels, the United States in their turn have forbidden the exportation of these supplies in British vessels: the two restrictions have put an end to the direct intercourse, and the trade is carried on indirectly; the supplies for these colonies being carried in American vessels from the United States to

MARCH, 1822.]

Indian Affairs.

[SENATE.]

the Swedish and Danish Islands, and the produce of the English West Indies being brought in English vessels to the same islands, and there exchanged for the provisions and lumber of the United States. American supplies are also sent in American vessels to the free port of Bermuda, and there sold for cash; and flour in like manner is sent from the United States to the Island of Cuba, as well as to the port of Liverpool, and from these places carried in English vessels to Jamaica and other English colonies in the West Indies. In this condition of our navigation and trade, our tonnage continues annually to increase, and the value of our exports exceeds that of our imports.

In countries of great extent, and whose productions are various, though the people are generally employed in similar occupations, new regulations may, for a time, affect some portions of the country more than others; but every portion soon accommodates itself to the new regulation, and the advantages and disadvantages are, in a short time, certain to be equalized by the entire freedom with which every branch of industry is prosecuted.

It was on account of this diversity of products, and of the different manner of doing business in the several States, that jealousies formerly existed between them, which defeated every attempt to establish any common regulation of trade under the Confederation—the want of American tonnage sufficient to create the requisite competition in the exports of the country, added to the difficulties of this period.

But as the national tonnage is now fully sufficient for the national exports, and as Congress have offered to all nations a system of entire equality and freedom in the commercial intercourse between them and the United States, the time has come in which it has been thought to be due to the welfare and character of the United States to countervail the regulations, which so long, and so much to our disadvantage, have been imposed by England on the trade and navigation between the United States and her West India colonies.

This national measure, so long called for to protect the ships and seamen of the United States, was calculated to awaken the remnant of local jealousy that may still exist among us, against the influence of which we may with confidence appeal to the character and necessity of the law.

By the exclusion of English vessels, American vessels are employed in their place, and whatever is lost to the former is gained by the latter. By revoking the countervailing laws, we take away the profits now enjoyed by American vessels, and give them back again to the vessels of England, and, in doing so, grant a bounty to foreign ships at the expense of our own.

Navigation and maritime industry, for a peculiar reason, call for national protection: for the art of navigation is an expedient of war, as well as of commerce; and, in this respect, differs from every other branch of industry. Though it was once doubted, doubt no longer exists, that a navy is the best defence of the United States—and this maxim is not more true than that a naval power never has existed, and can never exist, without a commercial marine; hence, the policy of encouraging and protecting the ships and seamen of the United States.

In the commercial differences which arise between nations, the various branches of industry are differently affected, and calculations, founded on the sup-

posed interest of either party, being often fallacious, may prove to be uncertain guides in the policy of nations, while, by referring every question of disagreement to the honor of the nation, in the purity and preservation of which every one is alike concerned, a standard is provided that can never mislead.

In the least as well as the most difficult disputes, national honor is the safest counsellor—and it should not be forgotten that public injuries long endured invite further aggression, and, in the end, degrade and destroy the pride and safety of nations.

In respect to the commercial difference which has so long existed between the United States and England, the claim of the latter exclusively to regulate the intercourse and navigation between the United States and her West India colonies, has affected the reputation and rights of the United States, and the public honor justifies the countervailing measures adopted on this subject; to recede from the same would be equivalent to their final relinquishment, and would not fail to encourage the belief that a wrong so long endured would no longer be opposed, and that further aggression might be made without resistance.

It must be always remembered, that the countervailing measures which have been adopted by Congress, are entirely defensive; and, as we desire to concur in the establishment of a free trade with every nation, we are ready to abandon the restrictions on the English navigation, as soon as England manifests a disposition to give up the restrictions which she was the first to impose on our navigation—and does public policy require, or will the national honor permit, that we should do so sooner? With these views, the committee submit the following resolution:

Resolved, That the Committee on Foreign Relations be discharged from the further consideration of the petitions of R. Appleby and others, of Colleton District, South Carolina, and of the resolutions of the Chamber of Commerce of Baltimore, praying for the repeal of the laws imposing restrictions on English vessels employed in the trade between the United States and the English colonies in the West Indies.

MONDAY, March 18.

Mr. THOMAS, from the Committee on Public Lands, to whom was referred the petition of the Mayor and Aldermen of St. Augustine, praying the donation to that city of certain squares and lots in said city, made a report unfavorable thereto, which was read.

Mr. JOHNSON, of Kentucky, from the Committee on Indian Affairs, to which the subject was referred by a resolution of the Senate of the 11th instant, reported a bill to prevent war among the Indian tribes within the territorial limits of the United States. The bill was read, and passed to the second reading. The bill is as follows:

A bill to prevent war among the Indian tribes within the territorial limits of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby authorized to take such measures

as he may deem expedient and proper to prevent war among the Indian tribes within the limits of the United States, by employing the military force, or otherwise.

Land Titles in Missouri.

The Senate resumed, agreeably to the order of the day, the bill to enable the holders of incomplete French and Spanish titles to lands within that part of the late province of Louisiana which is now comprised within the limits of the State of Missouri, to institute proceedings to try the validity thereof, and to obtain complete titles for the same when found to be valid.

[The bill proposes to make the United States federal court, in the State of Missouri, a tribunal for examining into the validity of these titles, and to confirm them, when found to be valid, to the same extent that they would have been confirmed under the French and Spanish Governments, if their sovereignty had continued over the province of Louisiana.]

Mr. BENTON, in support of the bill, said, that he would undertake to show the mode and terms of conceding lands, under the French and Spanish Governments, in Louisiana; that lands, in point of fact, were there conceded according to this mode, and upon these terms; that many of these concessions were in an incomplete state on the day of the transfer of the province to the United States, but valid on that day against France and Spain, and in consequence valid to the same extent against the United States; that the United States has not yet provided by law for completing these titles, and that it is now her duty to do so.

Mr. B. went on to support the several positions which he had taken.

1. As to the mode and terms. He said that it required the concurrence of two authorities to concede the Crown lands in Spanish America—a local authority which originated the title, and a superior authority which confirmed it. The first was called a sub-delegate, and always resided in the province where the conceded land was situated; the second was for a long time the King, in person, at Madrid. The authority of the sub-delegate extended to three points—making the concession, fixing the terms of it, and ordering the survey. The superior authority issued the patent when the survey was returned, and it entertained appeals in behalf of the subject on every decision made by the sub-delegate.

This continued to be the mode until the year 1754. In that year a royal ordinance was promulgated upon the subject of granting the Crown lands, of the greatest moment to the inhabitants of Spanish America, and which had continued in force ever since. The entire ordinance might now be seen in the Department of State, in a book entitled "*Leyes de la Recopilacion de Indias*," and is the eighty-first article, and the one referred to by Morales. It emanated from Ferdinand VI., a prince known to history by the name of Ferdinand the Wise—a title, said Mr. B., above that for which his great grandfather, Louis

XIV., had labored so much in vain, and which Ferdinand acquired by putting an end to the wars which had descended upon him with his crown; by relieving his subjects from their taxes; by reclaiming the banditti from the mountains, and restoring them to the fields; by opening the dungeons of the Inquisition, and turning out the victims; by encouraging agriculture and commerce at home, and extending the care of his parental Government to the people of the New World.

The ordinance recited that experience had shown the injuries which had resulted to the King and the subject from the necessity of applying at Madrid for the confirmation of land titles; that many had omitted to profit by the royal bounty, because unable to defray the expenses of this application; that those who did apply paid more to get the confirmation than the land itself had cost; that, in consequence, people seated themselves on the Crown lands without titles, and without improving them, because they expected to be denounced and criminally pursued for the trespass;—the effect of all which was, that large districts remained without fixed inhabitants, without cultivation, and without cattle; to the injury of the King's service, and to the prejudice of adjoining provinces.

Such, said Mr. B., were the wise recitals of the ordinance of 1754. The enactments flowed directly from them. They ordained that the confirming as well as the originating authority should be local—the latter continuing to be the sub-delegates, the former being vested in the supreme courts, called Audiences, established by Charles V., in the vice-regal kingdoms of the New World.

But the beneficence of the King did not stop here. There were provinces remote from the seats of the Audiences, or separated from them by the sea—as Yucatan, Carthagen, Puerto Rico, Panama, Oumana, Havana, and others—in which it would be inconvenient to the people to go to the Audiences to obtain patents. In all these, as in others in like circumstances, it was expressly ordained, that the governors of the provinces should exercise the same powers, within their province, which the Audiences exercised in the vice-regal kingdoms. These powers extended to the appointment of sub-delegates, to the issuing of patents, and to the revision of the acts of the sub-delegates, by way of appeal; for which purpose the sub-delegate was bound to send up, free of cost, to the party, the circumstances of the case, in the form of a question proposed, (*en consulta*), to the end, as the ordinance declares, that no one should be induced, through fear of expense, to abandon his right.

Mr. B. said that Louisiana was not mentioned in the ordinance of 1754, nor could be, because not ceded to Spain till the year 1762, nor occupied by her until 1769. But, when acquired, she was in equal circumstances with those named, and the ordinance attached to her, and was prac-

MARCH, 1832.]

Missouri Land Titles.

[SENATE.]

tised upon by the first Governor, O'Reilly, from the first year of his administration, and by all his successors, up to the year 1799, when this branch of his authority was transferred, by a decree of Charles IV., to the Intendants General. Morales was the only Intendant General who undertook to exercise this authority. He published a set of regulations adverse to the interest of the province and to the spirit of the ordinance of 1754, for which he was remonstrated against by the cabildo of New Orleans, and dismissed by the King. The Lieutenant Governors of Upper Louisiana were sub-delegates, by virtue of their office, both under the Governors-General of Louisiana and the Intendant, Morales, and in that capacity they conceded their lands, fixed the terms of the concession, and ordered the survey, from the time that St. Ange, the first Spanish Lieutenant-Governor, arrived at St. Louis, in 1770, until the 10th day of March, 1804, when Don Carlos Delassus, the last of the Lieutenant-Governors, transferred the province to Major Stoddart, the first commandant of Upper Louisiana under the authority of the United States.

Mr. B. said that he had now stated the outline of the regular mode of making the ordinary concessions for land in Spanish America. Extraordinary grants commenced differently; they issued directly and in the first instance either from the confirming authority or from the King himself; the sub-delegates seldom originated them; the feeling of subordination being too intense in a despotic government to permit the inferior to venture upon the slightest exercise of a doubtful authority.

Having shown the mode of conceding lands, Mr. B. proceeded to state the terms upon which concessions were made.

He said that the Kings of Spain had acquired the two Americas on cheap terms, and were able to part with their lands in the same way. He had read, in acts of Congress, the expression, "*Extinguish Indian titles*," applied to the Spanish government in upper Louisiana. The expression, he said, was borrowed from our own practice, not from theirs. The Spanish Kings held no treaties to extinguish Indian titles; no such thing as a boundary line was established between Spanish and Indian lands. The Pope, Alexander VI., made a free gift of the New World and all its inhabitants to Ferdinand and Isabella, and the swords of Cortez and Pizarro made good the grant. Lands acquired so easily, for a long time had no value, and no one would accept them as a gift, except for the mines of gold or silver which they contained, or for the Indians who lived upon them, and who became slaves.

In the course of one or two centuries, the terms, as well as the mode, of conceding lands, settled down upon fixed principles, and received their latest improvement in the ordinance of 1754.

The concessions were made upon different considerations. First—by sales, properly so

called. The Spanish word is "*ventas*," and obviously implies a sale for money. The second, by arrangement or composition. The Spanish word is "*composiciones*," and implies a consideration of some sort; but a consideration opposed to the idea of a *quid pro quo* in money; as public services in a military or civil capacity rendered to the King, or advantages redounding to the benefit of the province, by promoting its population, encouraging the cultivation of the ground, rearing of cattle, opening roads, building mills, exploring mines, &c. The third, by gifts. The Spanish word is, "*Repartimientos*," derived from the verb *repartir*, to divide. The noun, *repartimiento*, is the word used in the early history of Mexico and Peru, and signifies the respective portions of lands, and Indiana, and gold and silver mines, which fell to the shares of the first conquerors, when the spoil of the New World was divided out among them. Mr. B. said he had also been informed that the same word was used in Spain in testamentary devises, and imported the partition which a father makes of his estate among his children. He said that a still stronger word than this was used in the ordinance of 1754, the word "*mercedes*," which signifies "*gracious gifts*." The words of the ordinance are—"He resuelto que en las mercedes, ventas y composiciones de realengos, sitios y valdios, hechas al presente, y que se hicieren en adelante, se observe y practique precisamente lo contenido en esta instruccion.—El Rey." In English: "I have resolved that, in the gracious gifts, sales and compositions of the royal lands, places, and wastes, heretofore made, and which shall be made hereafter, shall be observed and followed precisely the tenor of this decree.—The King."

Mr. B. apologized to the Senate for going so much at large into these two points. He was induced to do so, because he saw an idea prevailing that valuable considerations were necessary to the validity of Spanish concessions. He hoped he had said enough to show that besides a sale for money, the Crown lands of Spain in the New World might be compounded for services or public advantages, and divided gratuitously among the King's subjects, as a father divides his estate among his children, and that these principles extended to the province of Upper Louisiana, now the State of Missouri, and governed the concessions there made, and for the examination and decision of which this bill is intended to provide.

Mr. B. proceeded to show that lands, in point of fact, were actually conceded in Upper Louisiana according to the mode and upon the terms which he had stated.

He read from Stoddart's Sketches of Louisiana, page 245, to prove that the quantity of 1,721,498 arpens (equal to 1,468,388 acres) had been conceded before the transfer of the province, and duly registered under the acts of Congress requiring the registration of incomplete titles; of which 868,771 arpens had been surveyed before the day of the transfer, (10th of

March, 1804,) and that 852,722 arpens were unsurveyed on that day. He enforced the remark of the historian, that the quantity was incredibly small considering the magnitude of the province, the number of its population, and the length of time it had been settled.

Mr. B. here exhibited to the Senate a great number of petitions, with the original concessions attached to them. He said that the owners of these concessions had sent them so great a distance, with so much peril of being lost, for the inspection of the members of Congress, and to confront the insinuation of fraud and forgery, which they believed some agent of mischief had made against them. He showed that the concessions had been made by the Lieutenant Governors in their characters of sub-delegates, who had fixed the terms and conditions in the decree of concession, and ordered the survey. He admitted that none of the Crown lands had been sold for money in Upper Louisiana. He had never heard of such a sale. The considerations were in the way of public services and advantages; as, rewarding civil and military officers for meritorious services, raising wheat and rearing cattle for the supply of the Lower Mississippi, opening lead mines for the supply of the King's armies, and growing hemp for the supply of his ships. But the great consideration was to populate the country, as without people these articles could not be raised, nor the province defended against an enemy. The population of Upper Louisiana had proceeded with the slow pace which has always attended the settlement of a European colony. Though settled so long before Kentucky, as late as the year 1788, Upper Louisiana contained but a few inconsiderable villages, and no more than 6,400 arpens of land (5,440 acres) had been conceded and surveyed in the whole province. Mr. B. took the year 1788, because at that time Kentucky was pouring her produce upon New Orleans, and the Spanish authorities there began naturally to inquire of themselves if they could not procure the same articles from their own province in the neighborhood of Kentucky? The answer was obvious; but it required a statesman of the school of the Sullys and Colberts to accomplish the object. That statesman appeared in the person of the Baron de Carondelet. He held out the powerful inducement of lands to be given without taxes, and a market at New Orleans for all their productions.

In 1796, the reasons became stronger for populating this province. It became necessary to defend it. Spain, as the ally of the French Republic, was then at war with England, and their subjects waged against each other throughout the four quarters of the globe "the unprofitable contest" of trying which could do the other the greatest harm. Upper Louisiana was open to invasion from Canada upon the line of Lake Michigan and the Illinois River. It had been so invaded in the year 1780, when Spain, as the ally of the thirteen United States, was obnoxious in all her dominions to the attacks

of the English arms. The riflemen of the West then saved St. Louis, and to them the Baron de Carondelet looked again when menaced by the same foe in 1796. Mr. B. stopped a moment to speak of an exploit too little known to history. He said that the British and Indians, to the number of 1,600, appeared before St. Louis in the year 1780. General George Rogers Clark was then upon the American bottom with the conquerors of Vincennes and Kaskaskia. The French of St. Louis sent to invoke his aid. He had but 400 men, and might have declined with honor. He might have said, our numbers are too few, the river is too wide and rapid; you are strangers, and live beyond the confines of my country; you may be in collusion with the enemy to draw me across the Mississippi, and to revenge in Louisiana the defeat of your countrymen in Illinois. But such was not the language of General Clark, nor of the 400 brave men that followed his steps. He or they knew not danger. Knew it not! May their spirits pardon me, said Mr. B., for applying to them such a fourth of July-day expression. They did know danger—were born in its presence, and grew up in its company; and each could say with Cæsar—

"Danger and I are brothers,
Twin lions whelped in one hour,
And I the elder and more terrible."

They were the riflemen of the West, and took counsel, not from danger, but from honor and courage. They divided into two bodies, and marched to the relief of St. Louis. Two hundred presented themselves opposite the town, and two hundred crossed the river below. At the sight of such boldness, the British and Indians, believing them to be the vanguard of a great army, suddenly retired, after killing eighty of the inhabitants, and leaving an impression of terror which still marks that year as an epoch of calamity; "*l'année du coup.*" History, continued Mr. B., tells of the passage of the Rhone and Granicus; but here is the passage of a river unknown to history, yet surpassing the exploit of Hannibal and Alexander as much in heroism and magnanimity as the Father of Floods surpasses in magnitude the puny stream of Gaul and of Asia Minor.

In 1796 the same danger again menaced Upper Louisiana; the Baron de Carondelet looked to the same relief, the riflemen of the West: lands were gratuitously given them, free of taxes, and Kentucky and Tennessee poured their earliest settlers across the Mississippi. The celebrated Colonel Boone went at that time. Emigrants were also drawn from every part of the United States; and not only they, but the European French, flying from the storms of the Revolution, the inhabitants of St. Domingo escaping from massacre and conflagration, the Irish retiring from the calamities of their country, all found refuge in Upper Louisiana, and received gratuitous grants of lands from the Spanish Government. Mr. B.

MARCH, 1823.]

Missouri Land Titles.

[SENATE.]

stated that it was at this period (the close of the last century) that Upper Louisiana gained two-thirds of its whole population; it was then that the chief part of the concessions were made; and the United States had reached the benefit of the Baron de Carondelet's policy; for she purchased the province immediately after, and in the war of 1812 these very people defended Missouri for her against British and Indians, (although the most exposed point in the Union,) without the aid of regular troops, without fortifications, and without calling militia draughts and volunteers from the neighboring States. And now these people, in company with the old inhabitants of the country, appear at your bar, and ask you to confirm to them the lands which were conceded to them by the authority of the King of Spain.

Mr. B. proceeded to show, that many of these concessions were incomplete on the day of the transfer of Upper Louisiana to the United States, but valid on that day against France and Spain, and, by consequence, valid to the same extent against the United States.

He stated that all concessions were termed incomplete, even though surveyed, until confirmed by the Governor General or Intendant at New Orleans, and a patent issued by them. He said it might readily be supposed that the greater part of these concessions were incomplete, when it is seen that they were made so near the close of the Spanish government; that such was the fact, he read from Stoddart's Sketches, page 245, to show that not one-twentieth of the whole quantity were complete. Even in Lower Louisiana, so much longer settled, so much nearer to the confirming authority, he showed that not one-fourth part of the conceded lands were held by complete titles at the time of the transfer of the province.

These incomplete titles were, nevertheless, considered and treated as property by the Spanish laws, and respected as such by the Spanish authorities. In support of this assertion, Mr. B. read from Stoddart's Sketches of Louisiana, page 245, and from a note which he had taken from a document filed by order of Mr. Jefferson, in the Department of State, relative to Louisiana, and which, on the subject of land titles, says: "Perhaps not one-fourth part of the lands granted in Louisiana are held by complete titles. Not a small part is held by occupancy, with a simple verbal permission of a colonial officer. A practice which has been always countenanced by the Spanish Government, in order that poor men, when they found themselves a little at their ease, might, at their own convenience, apply for and obtain complete titles. In the mean time such imperfect rights were suffered by the Government to descend by inheritance, and even to be transferred by private contract."

Mr. B. hoped that these quotations were conclusive on the two points that there were incomplete titles in Upper Louisiana on the day of the transfer of the province (10th March,

1804) to the United States, and that these inchoate rights were property in the eye of the Spanish law. These points being established, it followed, of course, that the titles in question were protected by the third article of the treaty of 1803, which secures to the people of Louisiana the free enjoyment of their religion, liberty, and property. He said that the Treaty of San Ildefonso contained an equivalent or stronger stipulation. That treaty had not been published, but its contents, in this particular, were made known officially in the proclamation of the Marquis de Casa Calvo and General Salcedo, Commissioners on the part of His Catholic Majesty for delivering Louisiana to the Commissioners of the French Republic.

Mr. B. proceeded to support his fourth and last proposition—that the United States had not yet provided by law for completing these titles, and that it was her duty now to do so.

The first act of Congress on this subject was passed on the 26th of March, 1804, sixteen days after the change of flags in Upper Louisiana. It declared the concessions and survey made after the Treaty of San Ildefonso, to be null and void; forbid future surveys; and denounced a penalty of fine and imprisonment against any person attempting to survey or to settle on public lands.

The first part of this act was in violation of the laws of nations, which admit the ordinary acts of sovereignty, done in good faith by the sovereign *de facto*, to be good and valid. But it was not necessary to argue the point, because it had been conceded by every subsequent act of Congress, in relation to both Upper and Lower Louisiana.

Several acts of Congress, afterwards passed, establishing boards of commissioners, with authority to confirm small tracts to actual settlers, and one, in 1807, which authorized the confirmation of tracts to the extent of 2,000 arpens, where there had been an actual possession for ten consecutive years. But the act of the most enlarged and liberal provisions, passed in 1814, authorizing the board of commissioners to confirm to the extent of one league square, (7,056 arpens, equal to 6,002 acres,) if conceded and surveyed before the 10th day of March, 1804. This act would nearly have settled the land claims of Missouri, if it had made a provision for the unsurveyed claims. But no provision was made for these, and the penalty against surveying remained in full force. By the laws of Spain, no time was limited for making the survey; no forfeiture accrued for not making it within any given time; it was left to the convenience of the party. Mr. B. read various passages from Stoddart's Sketches, in proof of this assertion. He said that no forfeiture had yet accrued under any law of the United States, for not one instant of time had ever been allowed for making surveys; on the contrary, the act of 26th March, 1804, stopped the surveys then in progress, and nullified many already made. The claims now in question were principally of

the unsurveyed class, but this class included many actually surveyed before the 10th of March, but not returned to the Surveyor-General's office until after that day, and many others, surveyed in the Spring of 1804, before the act against surveying was known in Missouri.

Mr. B. then showed what provision Congress had made for the claims in question. By an act of 1805, they were required to be registered with the recorder of land titles, an office created by Congress, and to pay him twelve and a half cents for every hundred words of the registration. By an act of 1821, every claim so registered, is reserved from public sale, until the decision of Congress shall be made thereon. No decision has yet been made; no law has been passed by virtue of which their validity can be tried. In the mean time, these claims, so far as they have been *de facto* surveyed or located, are treated as property by the laws of Missouri, under the terms of the treaty of 1803. They are subject to taxation, to be sold on execution, to descend by inheritance, and to be transferred by sale.

Mr. B. expressed an earnest belief that he had made out a clear right to the relief which the bill contemplated. He believed that almost the whole of the claims embraced in it—he would not say every one, for he would not commit himself upon a declaration beyond his knowledge—but he believed that the body of the claims were valid, and such as would have been confirmed by the Spanish authorities without delay, and without expense. The United States, successor as well to the duties as to the rights of Spain, was bound to do the same thing. Eighteen years had elapsed since this duty had accrued; eleven since Congress pledged herself to decide them; four since the Secretary of the Treasury, under a resolution of the House of Representatives, had reported the same bill, in principle, which is now under discussion; fifty days since the bill had laid upon our tables, and no decision yet. "Hope, deferred," said Mr. B., "maketh the heart sick;" and if the decision of these claims is deferred much longer, the hearts of these claimants must be "sick unto death."

When Mr. B. had concluded—

On motion, by Mr. HOLMES, of Maine, the further consideration of the bill was postponed to, and made the order of the day for, Thursday next.

THURSDAY, March 21.

George Shannon.

Mr. NOBLE was unwilling to grant six hundred and forty acres of land to the petitioner in addition to a pension of twelve dollars a month, which he had received since 1818; and because the men who accompanied Lewis and Clark were better rewarded than the soldiers who fought the battles of the country. He moved the indefinite postponement of the bill.

FRIDAY, March 22.

Case of George Shannon, one of Lewis and Clark's Men, in the Expedition to the Mouth of the Columbia.

[Yesterday, after the Senate had concluded the consideration of Executive business—

Mr. R. M. JOHNSON, of Kentucky, rose and stated that official duties had obliged him to transact some business at the public offices, and he was very much surprised to find that the bill granting to George Shannon a section of land, had been taken up in his absence and indefinitely postponed, contrary to the usual course and courtesy of this body, without giving an opportunity to the member who introduced the proposition to vindicate its merits. He had been charged with the memorial of Mr. Shannon, who was a distinguished citizen of Kentucky, who had performed distinguished services to his country, and now asked for a just reward for the personal sacrifices which he had made, and the sufferings which he had endured, for his country. Mr. J. said that Mr. Shannon had served the respectable county of Fayette several years in the Legislature of Kentucky—that, for his age, he was a promising and a distinguished individual, and he could not reconcile it to his feelings that the bill for his relief should be disposed of while he had been attending to official duties elsewhere—that Mr. Shannon was a high-minded, honorable man, and had been urged, by his friends, to present to the National Legislature his just claims for consideration—that, independent of his sacrifices and sufferings, his liberal disposition, and his patriotic devotion to his country, had kept him in indigent circumstances, with a large growing family to provide for. Mr. J. hoped, under these circumstances, that the Senate would reconsider the question, and place it in *statu quo*, that he might, on a proper occasion, present his views to the Senate.

The vote was taken on reconsideration, and carried, and the bill was then laid upon the table.]

MONDAY, March 25.

*Indian Factory System.**

The Senate resumed the consideration of the bill "to abolish the United States trading establishment with the Indian tribes, and to provide for opening the trade to licensed individuals," the question being on agreeing to certain amendments offered by Mr. BENTON to the bill when it was under consideration on Thursday last; which in substance provide for abolishing and bringing to a close the concerns of the

* It may be well to remind the reader that, up to this time, the United States kept up trading establishments by factors, as well as a species of diplomatic intercourse by agents. The former were abolished by the act of this session; the latter continues.

MARCH, 1822.]

Indian Factory System.

[SENATE.]

present trading establishment, by persons to be specially appointed to that duty by the President of the United States, instead of the present superintendent and factors, as proposed by the bill; or, in other words, to take the winding up of affairs of the establishment out of the hands of the present officers.

Mr. BENTON, of Missouri, in support of the amendment, said, that the factory system grew out of a national calamity, and had been one itself. It grew out of the third article of Mr. Jay's treaty—that article which gave the British the right to navigate the Mississippi, and to trade with Indians within the limits of the United States; privileges to which we have been chiefly indebted for our subsequent Indian wars. The statesmen of that day had their eye to this consequence, and undertook to avert, by policy, the danger which they had incurred by treaty. Trade, they knew, governed all people, civilized or barbarian. They had recourse to trade, therefore, to gain the good will of the Indians, and to counteract the influence of the British. They apprehended that private traders had not capital or strength to accomplish these objects, and national trading houses were resolved upon. The factory system was established, and went into operation simultaneously with the surrender of the Western posts—the Summer of 1796.

The capital first invested was \$150,000, and the annual sum of \$8,000 was appropriated for the pay of the superintendent and factors. These sums were afterwards increased by successive acts of Congress, the former to \$300,000 and the latter to \$19,250; in the whole about \$600,000 has been paid out of the Treasury on these accounts.

The act of 1811 locates the factories. They are to be on the frontiers—in the Indian country—on either side of the Mississippi.

It prescribes the terms of sales. The trade is to be liberal—the prices to be so regulated as to save the capital from diminution.

It defines the duties of the superintendent. He is to purchase and transmit to the factories all the goods intended for the Indian trade—to sell the furs and peltries received from them at different places in the United States at public auction, or otherwise dispose of them as may be most advantageous to the United States. He is to render quarterly returns of his purchases and sales, to the Treasury Department—to give bond in \$20,000 with securities, conditioned for the faithful discharge of his duties, takes an oath to discharge these duties faithfully, and is not to engage in private trade.

It defines the duties of the factors. They are to receive the goods sent them by the superintendent, and dispose of them in trade with the Indian nations—to settle their accounts quarterly at the Treasury—to give bond and security, conditioned for the faithful discharge of their duties—to take an oath to discharge them faithfully, and are not to engage in private trade.

Under this act, nine factories are now in operation, to wit: one in the State of Mississippi, one on the Red River, beyond the Mississippi, one on the Arkansas, two in the State of Missouri, two on the Upper Mississippi, and two on the western shore of Lake Michigan.

Mr. B. admitted that these factories were located as directed by the act; they were all in the West, and upon the Mississippi River, or convenient to it.

He would now look to the practical operation of this system. He would examine, first, the conduct of the Superintendent in purchasing goods. Second, the conduct of the factors in selling them. Third, the conduct of the superintendent in selling the furs and peltries received from the factors.

Mr. B. said he would undertake to show that, in the discharge of each of these duties, great abuses had been committed. He might be tedious to the Senate, but he would not be diffuse. The subject required precision, and he would observe it. He would be precise in the allegation of misconduct, and equally so in the application of the proof. He would use no proof which had not the moral force of judicial testimony. He would limit himself to two kinds: First, the written statements of Majors John Biddle, O'Fallon, and Bell, and Mr. R. Crooks; the first three Indian agents, the latter a fur trader; the whole known to him, and known to be gentlemen of truth and honor. Their statements were given verbally to the Indian Committee, in the presence of the Superintendent, subject to his cross examination: afterwards reduced to writing by themselves, and again subjected to the examination and remarks of the Superintendent. Second, the written statements of the Superintendent himself, furnished upon interrogatories submitted by the committee. The whole printed by order of the Senate, and now lying on the tables of the members.

On the first head, the conduct of the Superintendent in purchasing goods. Three distinct descriptions of abuse are alleged against him: 1st. In purchasing goods not adapted to the Indian trade. 2d. In purchasing goods of bad quality. 3d. In purchasing at improper places, and at extravagant prices.

In support of the first specification, Mr. B. read from the printed exhibit marked A, furnished by the Superintendent himself, the following descriptions and quantities of goods, purchased at Georgetown, District of Columbia, and transmitted to the factories in the year 1820.

147 yards of silk for	-	-	-	\$116 61
286 yards of vestings for	-	-	-	240 41
316 yards cords and velvets for	-	-	-	210 14
50 pieces Nankins for	-	-	-	53 00
20 pieces Leno muslin for	-	-	-	50 00
24 yards of cambric for	-	-	-	7 50
83 lbs. tea (quality not stated) for	-	-	-	88 00
216 pair of stockings for	-	-	-	79 68
8 gross of Jewsharps for	-	-	-	30 16

Mr. B. stopped at this last item to make a remark. Except this, all that he had read, was too evidently unsuited to the Indian trade, to need the slightest illustration; but this eight gross of Jewsharps might admit of a question. He had not seen them enumerated among articles of Indian commerce in Sir Alexander McKenzie's history of the fur trade, nor could he perceive in what manner they could be used efficaciously in expelling British traders from the Northwestern Territories. But the present Superintendent had superadded some objects of a different character; schemes for the amendment of the heads and hearts of the Indians; to improve their moral and intellectual faculties; to draw them from the savage and hunter state, and induct them into the innocent pursuits of civilized life. In the execution of these schemes, the Jewsharps might have their use. They are a musical instrument, and

"Music hath charms to soothe the savage heart."

It had been related of a musician of old, that he even tamed wild beasts, and bent down the tops of trees, and drew a woman out of hell, by the potent charms of music. In modern times it had also been said,

"He that hath not music in his soul,
Is fit for treason, stratagem, and spoil."

Mr. B. said that these instruments did not, in his opinion,

"Discourse very excellent music;"

but that was an affair of taste, and, "*De gustibus non est disputandum.*"

They were certainly an innocent instrument, and on that account had been spared where better had been condemned. He alluded to an ordinance of the city of Hartford, during the late war, against drums and fifes, and which, as he had been told, contained expresse exception in favor of the Jewsharp.

They were innocent, and on that account precisely adapted to the purposes of the Superintendent, in reclaiming the savage from the hunter state. The first state after that, in the road to refined life, is the pastoral, and without music the tawney-colored Corydons and the red-skinned Amaryllises, "*recubans sub tegmine fagi*," upon the banks of the Missouri and Mississippi, could make no progress in the delightful business of love and sentiment. Even if the factories should be abolished, these harpe might not be lost. They might be "hung upon the willows," and Æolus, as he passes by, might discourse upon them melancholy strains, "soft and sad," adapted to the vicissitudes of human affairs, the death of the factories, and the loss of that innocent age they were intended to introduce.

Mr. B. resumed the reading of the exhibit.

5,088 lbs. sugar, \$557 48 } Bought at New Orleans.
3,265 lbs. coffee, 979 50 }

And other articles adapted to a common country store, but unknown to the Indian trade.

He said this proved that articles of an im-

proper kind were purchased for the factories in the year 1820; he would now prove that it was an old business, regularly followed up. He read from the printed document.

Major O'Fallon's Statement.—"About four years since, when I was stationed at Prairie du Chien, the factor received what was called soldier or citizen goods, to the amount of several thousand dollars, none of which was intended for the Indian trade; and it was said, and generally believed, to be a private concern."—*Page 8.*

Mr. B. then turned to the copies of five or six accounts, also printed, and furnished by Mr. O. as a part of his statement, showing that the factor at Prairie du Chien had sold every article above mentioned, and a great many others, to the white people of that place; among others, to Dixon, Brisbois, and Rolette, all of whom stand publicly charged with carrying arms against the United States during the war, at the head of the Indians.

Mr. B. proceeded to the second head of misconduct in the Superintendent, that of purchasing goods of bad quality. He read from Major Biddle's statement: "The quality of the goods in the factory at Green Bay is generally bad; the blankets, and other articles of wool, particularly so."—*Page 1.—Answer to second question.*

Mr. B. proceeded to read from the printed documents to show the bad quality of the goods sent to the factories.

Major O'Fallon's Statement.—"I have seen in factories, goods, evidently the remnants of old stores; and a few years since, I received from General Clark, who was then Superintendent of Indian Affairs at St. Louis, a few goods for Indian presents, (furnished him by the factory department,) the most of which was of such inferior quality, that I was ashamed to offer them to the Indians, and have them still on hand."—*Page 8.*

Major Bell's Statement.—"In the course of the expedition, I was at a Cherokee settlement on the Arkansas; at the house of Webber there was a store, and a number of Indians making considerable purchases; inquired of them why they did not trade at the United States factory not far distant, and the reply was, that they could procure all the articles they wanted at this store, at a less price, and of a better quality than at the factory, and were allowed the same prices for their furs and peltries."—*Page 9.*

Mr. Crooks's Statement.—"Blankets and other dry goods (in the factories of the Northwest) generally, have been uniformly twenty-five to fifty per cent. inferior to the corresponding articles supplied by individual adventurers. And the factor at Chicago is also of opinion that remnants, or cut pieces of goods, do not answer quite so well as if they had never been unfolded or subjected to retail operations before they reached him."—*Page 10.*

Mr. B. conceived that this evidence was sufficient to convict the Superintendent of sending

MARCH, 1822.]

Indian Factory System.

[SENATE.]

goods of inferior and bad quality to the factories. He went on to the third point: purchasing goods at improper places, and at extravagant prices. To show this, he had recourse to the exhibit of purchases for the year 1820, furnished by the Superintendent, as before stated.

One thousand two hundred and seventy-six pounds shot at twelve and a half cents per pound, one hundred and five dollars; bought at Georgetown, District of Columbia, and sent to the western factories.

This was either British or American shot; the friends of the Superintendent might take hold of which horn of the dilemma they pleased: in either case the purchase was a scandalous abuse. Shot was made in any quantity at Herculeaneum, thirty miles below St. Louis, at about two cents above the price of lead, which was five cents a pound in the year 1820, and of a quality so superior to the English, that it readily commanded a cent more in the pound in the New Orleans market. At Herculeaneum there were towers, not made by the hands of man, but of perpendicular rock, from one to three hundred feet high, on the margin of the Mississippi, from the top of which the melted lead was poured, and taken up in shot at the water's edge, and conveyed in boats wheresoever it was wanted. He said it was from this place that the western factories should have been supplied. It would have cost but little more than half the Georgetown price, and saved the cost of carriage across the mountains. But it was the system of these times to make the West purchase from the East. During the late war, Mr. B., as Lieutenant-colonel in the United States Army, had received in Nashville, Tennessee, a consignment of tent-poles and wooden mallets, from Philadelphia. The English had a proverb, "Carry coals to Newcastle;" the Spaniards had another, "Carry water to the sea." The Americans may have theirs also, "Carry wood to Tennessee." ["Carry lead to Missouri," said a Senator.] Mr. B. said he would not say "lead." The word in the document was "shot," and he might be met with a contradiction if he used one for the other, the two articles being so utterly distinct, that their names could not be composed of any letter used in spelling the other.

Mr. B. then read from the document an account of axes, spades, corn-hoes, drawing-knives, nails, frying-pans, saddles, bridles, candle-wick, spurs, gun-locks, saws, bed-cords, tools, curtain and finger rings, shoes, kettles, tin pans, tin cups, crockery wares, sad irons, horse and cow bells, chisels, augers, locks, 19,000 yards domestic cottons, &c., bought at Georgetown, at high prices, from a select few, whose names regularly recurred on every page, when the greater part of the same articles could have been purchased at Pittsburg for less price, and entire saving of the land carriage.

He spoke next to this item of the carriage.

The Superintendent, in answer to an interrogatory, stated the minimum cost from George-

town to St. Louis at four and one-half cents per pound; the maximum, at nine cents. St. Louis was taken as a central point on the Mississippi, where a transport agent was stationed, and warehouses kept for the reception of goods, furs, &c., on their transit, and through which a moiety, perhaps, of the whole quantity annually passed.

Mr. B. was constrained to believe that the carriage of these goods had cost more than the sum stated. His belief was founded, not upon the document now furnished by the Superintendent, but upon one furnished by him at the last session of Congress, and bound up in volume eleven of the State papers, No. 47.

He opened the book, and showed an exhibit: One column contained a statement of the amount of merchandise sent by the Superintendent to the factories, from the year 1811 to the year 1820, amounting to \$466,874. The next column showed the cost of transporting the same, amounting to 110,548. The next column showed the contingencies attending this transportation, (the particulars not stated,) amounting to 20,728.

From this document, it would seem that nearly one-third of the value of the goods was consumed in getting them carried to the places of sale! Mr. B. said he knew that he was tiring the Senate; but it was necessary to be minute and particular. The question was to abolish a system conceived by eminent statesmen for valuable purposes, which had stood for twenty-seven years; and which question, in its progress, involves the conduct of respectable men, not as an object, but as a consequence of the inquiry.

Having finished the examination of the Superintendent's purchases, the next inquiry was into the conduct of the factors, in making their sales. In performing this duty, they were bound to sell to the Indians—to sell on liberal terms—to sell so as to save the original stock from being diminished. On each point it is insisted that the law has been constantly and openly violated. On the first point Major Bidle says, "My impression has always been, that the factories were as open to every applicant as any other store, having seen various persons purchasing small articles there. An outfit of goods was furnished by Mr. Erwin, factor at Green Bay, to William Morrill, who was licensed by me in September last, to trade on the Fox River."—p. 1.

Major O'Fallon says. "I know very well that they (the factors) have been in the habit of selling to officers, soldiers, and citizens, and in fact to any body, without reserve. Mr. Johnson, factor at Prairie du Chien, has been in the habit of equipping traders without license, and sending them to trade with the Indians, on hunting excursions, unrestrained; and did, in one instance, furnish goods to a Canadian, who was an experienced trader, but at that time considered a most exceptionable character, from

the circumstance of his having borne arms against us by the side of the Indians, during the late war."—p. 7.

Mr. Crooks says, "It is within my knowledge that goods have been sold to persons engaged in the fur trade, by the United States factories at Fort Osage, Fort Edwards, Prairie du Chien, Chicago, and Green Bay, more particularly at the first, third, and last of the places mentioned. And I have every reason to believe it is the constant practice of all the factors to sell the goods to the officers and soldiers of the posts where they are located, and generally to the white and mixed population around them."

Mr. B. went on to the next point, the rate at which these goods were sold.

Major Biddle says, "that he, as agent of the United States, paid 50 per cent."—p. 1.

Major O'Fallon says, "that he and others paid from 40 to 60 per cent. upon the St. Louis prices."—p. 7.

Mr. Crooks says, "they were regulated by no rule. Their rates were capricious, governed by the competition, higher or lower, as that was far off or near at hand, weak or vigorous." (p. 12.) He gives many copies of accounts, signed by factors, in which 66½ were regularly charged on wholesale operations; the retail much higher. Ladies' morocco shoes sold at \$1 50, which the Superintendent says cost 75 and 87½ cents, being an advance of about 100 per cent. Tea, the quality and first cost not stated, but supposed to be the same as that sent in 1820, to wit, \$1 a pound; the fair price of which, at the factory, could not have exceeded \$1 12½ cents, yet sold there for \$3 50 and \$4 a pound, being an advance of 300 or 400 per cent. Powder sold at 80 cents a pound, which must have cost about 25 cents; advance, more than 200 per cent.

Before quitting the conduct of the factors, Mr. B. said he was bound, in justice, to say, and he said it the more readily, because they were not here to speak for themselves, that, from the manner in which the Superintendent had remarked upon their conduct in selling the Government goods at such high prices, and to others than Indians, excusing some things, admitting some, being silent as to some, that the factors appear to have acted on these points with the knowledge and approbation of their principal.

Mr. B., in pursuing the operations of the factory system, came back to the Superintendent, and examined his conduct in the last scene of his duties—that of selling the furs and peltries received from the factors. In doing this, the act of Congress made it his duty to sell at different places in the United States, to sell at auction, or otherwise dispose of these articles as might be most advantageous for the United States.

In execution of this law, the sales had been principally at Georgetown, perhaps the last place in America that any man would think of for a fur market; and many had been made at

private contract, which could hardly be considered as the most advantageous way of conducting the sales for the public. And the event proved the fact; for the prices obtained were below the market price.

Mr. B. examined the sales of beaver and of deer skins, made by the Superintendent in 1821. Of the first, the whole quantity received was 1,108 pounds, and sold for \$2,115 02—a fraction less than \$2 a pound. The current price was \$3 at St. Louis. The proportion of Southern beaver must have been great to justify so low an average as \$2. Of deer skins, 124,082 pounds were received, and sold for \$24,074 90—a fraction less than twenty cents a pound. The current price at St. Louis was thirty-three cents, and nothing but an excessive proportion of bad skins could have reduced the average of the Superintendent's sales to so low a rate.

A private sale of deer skins within the present year, (1822,) to Korckhaus, of Philadelphia, to the amount of near \$20,000, was also shown, in which the average price was equally low, though a credit of three and five months was given. And a letter was read from Mr. Astor's agent in New York, complaining of this private sale, in which he had no chance to bid.

Low as was the average of the beaver and deer skins sold in 1821, that price is still to be charged with transportation and contingencies, which must be deducted before the clear gain could be counted. No data for this calculation is furnished in the sales of the last year; but, by having recourse to the exhibit furnished by the Superintendent in 1820, to be seen in volume eleven of the State papers of that year, it may be ascertained how much these items have amounted to on other sales of the same articles.

The whole amount of furs and peltries sold by the Superintendent,	
from 1805 to 1809, was - - -	\$474,007
The transportation of the same, for the same period, to New Orleans and Georgetown, where all the sales were made, was - - -	159,948
The contingent expenses of the same, for the same period, were - - -	39,399

Put these two items together, and it will be seen that the mere expense of getting the public furs and peltries from the factories to the places of selling them, and the expenses of the sale, was near 50 per cent. upon the total value of the articles sold!

Mr. B. said that he must now proceed to the examination of another point, which implicated the Superintendent in the double culpability of practising an imposition upon the Indians and a speculation upon the Government. To feel the force of the facts as they were disclosed, it would be necessary to recollect that the factory goods were the property of the Government, and the factors nothing but trustees in the pay of the public, and having no interest in the goods.

Major Biddle's Statement.—"In the bills for

MARCH, 1823.]

Indian Factory System.

[SENATE.]

articles bought by me, (of the Green Bay factor,) as agent, the original price is stated, to which 50 per cent. is added. I have said that the quality was bad. Convinced of this, and of the high price, I sent to the agent of the American Fur Company, at Mackinac, for a small invoice of goods, to the amount of the money left in my hands after defraying the expenses of the agency. And I have no hesitation in saying that they formed a more acceptable present to the Indians than double the sum paid for them would have procured from the factory."—pp. 4, 5.

Major O'Fallon's Statement.—"I do not recollect to have been furnished with any thing by the factories on account of Government. But they have sometimes furnished other Indian agents with annuities and Indian presents; and a few years since, when they were permitted to act in the capacity of sub-Indian agents, they gave presents out of the factory goods themselves, which were charged to and paid by the Indian department. A few years since, I received from General Clark, then Superintendent of Indian Affairs at St. Louis, a few goods for Indian presents, (furnished him by the factory department,) the most of which was of such inferior quality that I was ashamed to offer them to the Indians, and have them still on hand."—pp. 7, 8.

Mr. B. returned again to the last document. It showed the total expenditure in the Indian Department for the year 1818, to have been \$559,367 47, of which one item had been stated; another was \$120,250 for presents in money to Indians.

Mr. B. next examined the amount of business done by the factories. He took the year 1821, and the exhibit of the Superintendent, showing the total amount of furs and peltries received from each factor, and the amount for which they were sold.

1. Green Bay.—Sent nothing, and no excuse.

2. Red River.—Sent nothing, factor dead.

3. Marais des Cygnes.—Sent nothing, just established.

4. Fort Edwards.—Does something better; sends \$14 worth of beeswax.

5. Chicago.—Does better still; sends \$329 98 worth of mink, raccoon, and muskrat skins.

6. Osage.—Better still; sends \$1,566 64 worth of skins, being \$444 less than the salary paid by the United States to the factor and sub-factor for their personal attention to this important concern.

The other three, Prairie du Chien, Choctaw, and Arkansas, sent between them to the amount of about \$30,000. The whole making a miserable display upon the large capital invested, and the annual salaries of \$19,250, paid the Superintendent and his subordinates from the Treasury of the United States.

Mr. B. said that he had now shown to the Senate, by unimpeachable testimony, the continued and enormous abuses which had been

practised by the factories. He would now ask for the benefits resulting from them.

Had it expelled the British traders from the Northern and Western Territories? On the contrary, they had remained there till the late war, and might have been there yet if the treaty at Ghent had revived the third article of Mr. Jay's treaty.

Did they keep the Indians at peace? So far from it that Fort Wayne, Chicago, and Madison, (the sites of factories,) were the first objects of attack and pillage in the late war.

Do they create respect and attachment for the American Government in the bosoms of the Indians? See *Major O'Fallon's statement*.—"The factory system has no good effect in conciliating the good will of the Indians towards us; on the contrary, it is calculated to give them unfavorable impressions, and alienate them from us, by exhibiting the Government of the United States in the light of a common trader."—p. 8.

Do they prevent the Indians from now going to the British for presents? *Mr. Crooks's statement shows the contrary*.—Fort Malden and Drummond's Island is the annual resort of Indians, who go by the factories to receive presents, even at this day.

Do they protect Indians from the extortions of traders? So far from it, they are themselves the greatest extortioners, selling the meanest goods for the highest prices.

Have they reclaimed the Indians from savage habits, and converted them to Christianity? Listen to the evidence: *Major O'Fallon*.—"In reclaiming them (the Indians) from savage habits, and converting them to Christianity, these establishments have the same effect as individual traders."—p. 8.

Mr. Crooks's.—"Little as I value the factory system, considered as a means of attaching the Indians to the United States, I do think they are, if possible, still less capable of producing religious reformation either in the Indians or anybody else. The factories have now degenerated into mere places of trade, to which all colors, descriptions, and denominations of people resort for barter, and bear a much more striking resemblance to common country stores, than to the public establishment of a benevolent Government. The desperate efforts which the factors make to secure individually their reputations as traders, and jointly to prop the questionable pecuniary credit of the whole system, are, in my opinion, but little favorable to that serenity of mind, mildness of disposition, and undeviating conformity to a strictly moral deportment, which we, in civilized society, consider essential qualities in those we trust as our guides "to another and a better world." Even we value example as high as precept; with savages the former is most likely to be efficacious. And believing these gentlemen (factors) to be equally fallible with the generality of their brethren in trade, I should imagine they were selected by the Superintendent of Indian trade

more for their trafficking than apostolic abilities, as the head of that department is too intimately acquainted with the nature of missions among a rude people, to have appointed the present incumbents to teach repentance and remission of sins to the children of the wilderness."—p. 16.

Yet this system is vaunted for its moral and religious influence upon the heads and the hearts of the Indians, and many good citizens of the United States have been so far imposed upon as to send petitions here, praying its continuance, and an increase of its capital on that account—petitions, which it is believed were made here, and sent out to be signed, and brought back in time to help this precious system to stand the shock of the present attack.

Mr. B. said he hoped it was now fully shown to the Senate, by unimpeachable testimony, that the factory system was worse than useless; that every public consideration required it to be immediately abolished, the accounts of all concerned to be settled up and closed; the capital to be returned to the public Treasury, so far as it could be found;* the salaries of all its officers to be stopped, and an exhibit of its profit or loss to be shown at the next session of Congress; that the amendment offered by him was intended to accomplish these purposes, and, with that view, was submitted to the consideration of the Senate.

When Mr. B. had concluded—

Mr. JOHNSON, of Louisiana, replied at some length, to show the grounds on which the Committee on Indian Affairs had reported the bill submitted to the Senate.

The subject was then postponed until tomorrow.

TUESDAY, March 26.

Indian Factory System.

The Senate then resumed the consideration of the bill concerning Indian trade.

Mr. JOHNSON, of Louisiana, continued, at

* None could be found; for the bill was passed, and the concern placed in other hands, to be closed and settled up; and thus the glowing representations which the Superintendent (Mr. Thomas L. McKinney) had been so long making to Congress, were mere romance, and deceptive inventions. It was one of the instances of the extreme difficulty of getting rid of any Government establishment, no matter how vicious, after it once takes root and has created an interest for itself. It then becomes a *set-fast*—a sluggish, deep-seated sore, insensible to either poultice or plaster, and only amenable to the knife and the actual cautery. So of this Indian trading establishment. It was commenced as an experiment, and for the limited term of three years, under Washington's administration, and for the double purpose of supplying the Indians with suitable goods, at cost and carriage, and to wean them off from the British traders—then controlling them through their trade in all the Northwest. Instead of terminating at the end of three years, when it was already seen that the experiment was a failure, the establishment was continued thirty years! and then only terminated by the most determined efforts.

some length, the speech he yesterday commenced in support of the bill, and against the amendments offered by Mr. BENTON.

Mr. JOHNSON, in answer to some remarks of Mr. BENTON, concerning the official conduct of the agents employed in conducting the system, said that it was not on the ground that any of those agents had abused the trust reposed in them, that the Committee on Indian Affairs had reported the bill. It was other considerations which, in the opinion of the committee, made it expedient to abolish the factory system, and to provide more effectively for opening trade and intercourse with the Indians by licensed traders. He had examined with attention, he said, the documents connected with the subject, and to which the gentleman from Missouri had referred, and could perceive in them nothing which showed that the Superintendent of Indian trade, or that the factors, or agents, had not faithfully discharged their duty; that, so far as he was informed, he believed them all to be honest, correct men. He said that he had but a slight personal acquaintance with the Superintendent, but the character of that gentleman here, for integrity, stands high, and that, from the best information he could obtain, he was of opinion that the Superintendent had fulfilled the duties of his office with ability, and perhaps as well as any other man could have performed them.

It is said by the honorable gentleman from Missouri, that great abuses had been committed by the Superintendent in purchasing goods of bad quality, and not adapted to the Indian trade; in making the purchases at improper places, and at extravagant prices; and in the manner of selling the furs and peltries received from the factors. Mr. J. said that some of the gentlemen who were examined before the committee, seemed to think that such abuses had been committed. But, from an examination of all the documents laid before the committee, and from other information which he had received, he was of opinion that the Superintendent had performed his duty with the utmost zeal and integrity. With respect, he said, to the quality of the goods purchased for the factories, there seemed to be a difference of opinion. Governor Cass, of Michigan, in a letter to the Superintendent, dated in August, 1816, says: "I have been much gratified to find the goods sent here for the Indians are well selected; perfect justice has been done. I am informed by persons in the Indian Department, that such a selection was never sent to this country. In fact, I cannot conceive that they could be better suited to the objects to which they are sent." He said that the factor at Fort Osage, also, speaks favorably of the goods sent to him. It is probable, he remarked, that some of the goods alluded to by the gentlemen who were examined before the committee, were remnants of the old stock on hand. He was informed that a great portion of the goods now in the factories, had been purchased about the close of the late

MARCH, 1822.]

Indian Factory System.

[SENATE.]

war with England, when goods were exorbitant, and difficult to be had at any price. He believed, at that period, that the price of merchandise was from fifty to one hundred per cent. higher than twelve months' subsequent thereto. As to the places at which the goods had been purchased, he considered a matter of no consequence, as it did not appear that they could have been obtained on better terms at any other place. Nor does it appear, he observed, that the furs and peltries received of the factors, could have been disposed of to more advantage. The act of 1811 makes it the duty of the Superintendent, under the direction of the President of the United States, and upon such terms and conditions as he should prescribe, to cause the furs and peltry, and other articles acquired in trade with the Indian nations, to be sold at public auction, in different parts of the United States, or otherwise disposed of, as may be deemed most advantageous to the United States.

Upon the whole, he was of opinion that the conduct of the Superintendent and factors, in relation to the different subjects upon which the gentleman from Missouri had commented, might be satisfactorily explained, without implicating the character of any of them. These gentlemen, he remarked, had no personal interest whatever in the Indian trade; they were absolutely prohibited from being, in any manner, personally concerned in carrying it on. They act, he said, under the obligations of an oath, and have given bond, with security, for the faithful performance of their duty. They act, too, under the instruction of the Government, and are compelled to render an account, quarter-yearly, of all money, goods, and other property, which come into their hands, or for which they ought to account. Thus, it will be perceived, that the Superintendent and factors have acted under high responsibilities, and that the Government has had every opportunity of judging of the propriety of their conduct, and it is to be presumed that if any of them had violated their duty, they would have been removed from office.

Mr. LOWRE, of Pennsylvania, said that, for several years he had been seeking information on the factory system, that he had carefully examined the voluminous documents the Senate had ordered to be printed on the subject. He had come to the full conviction that the factory system had not answered the purpose intended by its establishment. This conviction, however, said Mr. L., has not been produced in my mind by the reasons which seem to operate with the gentleman from Missouri, (Mr. BENTON.) His remarks go more to show the abuses of the system, and, indeed, frauds of the Superintendent and factors, than to any defect in the system itself. My view of the subject is the reverse of this. I think it would not be difficult to show that all the transactions, so ably commented on by the gentleman from Missouri, (Mr. BENTON,) could have happened in

the absence of every thing involving fraud or official misconduct on the part of these officers. They are not here to answer for or defend themselves, and the evidence before us is not sufficient, in my judgment, to condemn them. Placed in these circumstances, their former good characters ought to go for something. The factors are first nominated by the President, and then have to pass the ordeal of this body. I do not know any of them personally, and with the Superintendent my acquaintance is not of long standing. The official intercourse I had with him, during two years that I was a member of the Committee on Indian Affairs, gave me a good opportunity of knowing him. It is but justice to him to state, that I consider him an able and a faithful officer, and, what is of as much esteem with me, an honest and an upright man.

My objection to the continuance of this trade goes against the system itself. In the first place, the capital is entirely inadequate for the object. On this point I have not data to speak with precision, but, to supply the whole of the Indian trade, I apprehend that ten times the amount now invested would be necessary. This alone would be conclusive against the system. The present capital is found difficult to manage. The Indian border, where this trade is carried on, extends over several thousand miles. In such an extended market, the purchase of articles suitable for the wants, real or imaginary, the wishes and the caprices of the various tribes; the transportation, care, and sale of the furs and peltries, involve such a complication of circumstances, that it is impossible for the Government to conduct the concern to advantage. All these difficulties exist with the present investment, and all these difficulties would increase with the enlargement of the capital. Nothing but individual enterprise, individual industry and attention, is equal to such a business. Indeed, I dislike the idea of this Government becoming a trader, and coming, as they must come, in competition with private traders. This Government, like the Government of every free country, requires a great deal of machinery to keep it in motion. Let the public functionaries be limited to those objects which must be attended to. Leave the Indian trade to individuals. If it wants regulations, let those regulations be made. The wisdom of Congress is certainly sufficient for this purpose. I never knew much advantage result to any Government from becoming traders, speculating in funds, or even holding bank stock. In every competition, individual interest is always too sharp-sighted, where the Government is a party.

Still, if I believed this trade to be of advantage to these poor Indians, no consideration of loss, on our part, would induce me to withdraw it from them. But advantage to them, while you supply so small a part of their trade, is out of the question. Open a trade, under proper regulations and restrictions, and the In-

dians will be better supplied, and on better terms. Competition, the great regulator of the trading community, will, of itself, be found sufficient.

As to the detail of the bill, I prefer the sections reported by the committee. I think the factors should be permitted to close this business, and, to prevent loss, a reasonable time should be allowed. Either plan, however, will answer the purpose. It is satisfactory to find such a unanimity of sentiment in the Senate on the propriety of withdrawing these establishments.

The bill was then laid over until to-morrow.

WEDNESDAY, March 27.

Indian Trade.

The Senate resumed, in Committee of the Whole, the consideration of the bill to abolish the present establishment of Indian trade, and to provide for opening that trade to licensed individuals—the amendments offered by Mr. BENTON (going principally to discontinue the establishment in June, 1822, instead of 1823; to take the settlement of its affairs out of the hands of the present officers, and to confine the present bill to that abolition simply) being the question still pending.

Mr. RUGGLES made a few remarks in reply to some former observations of Mr. BENTON, and in support of the bill as reported by the committee.

Mr. LANMAN also submitted his reasons for preferring the bill as it was, to the amendments.

Mr. VAN BUREN spoke at some length to show that the objections urged against the existing establishment of Indian trade, applied more to the organization of the system than to the system itself; and to show that, if it were proper to abolish it, the winding up of its concerns ought to be confided to the present officers, as proposed by the bill, rather than to other persons, as proposed by the amendments, &c.

Mr. LOWRIE also added some remarks to the same effect.

Mr. BENTON replied to those gentlemen who had adverted to his remarks, and advocated, at considerable length, not only the course he had proposed to adopt on this subject, but the reasons and facts he had urged in its support, many of which he repeated and enforced.

Mr. JOHNSON, of Louisiana, replied to Mr. BENTON also at considerable length, and supported the bill against the objections made to it.

Mr. VAN BUREN subjoined some further remarks against the amendments.

Mr. MACON spoke against any system of Government trade with the Indians, as unprofitable to the nation, inexpedient, and every way more objectionable than a well-regulated system of licensed private trade—contending that the Government could not attend to all the minutiae

of Indian trade, and at the same time all the affairs of Europe, and, in addition to these, all the affairs of South America, which were now taken in hand. He was in favor of the amendments.

Mr. KING, of Alabama, had no objection to discontinuing the factory system, though it had been productive of much good; but he wished at the same time to substitute some other more eligible, such as the bill provided, and spoke against the amendment for this, and also for the reason that it would not leave time enough to wind up the concerns of the system, if directed to be done by June next.

Mr. BENTON, then, after observing that some time had elapsed since the amendment was first offered, stated that he would modify the proposition by adding, after the first of June, 1822, the words, "or as soon thereafter as can conveniently be done."

The bill was then postponed until to-morrow.

THURSDAY, March 28.

Indian Trade.

The Senate then resumed, in Committee of the Whole, the bill to abolish the establishment of Indian trade and to provide for opening that trade to private individuals—the amendments offered thereto by Mr. BENTON still pending.

Mr. SMITH delivered the reasons, at considerable length, which influenced him to favor the amendments in preference to the original bill.

Mr. JOHNSON, of Kentucky, took the other side, and spoke some time in opposition to the amendment.

Mr. BROWN, of Ohio, made some remarks in favor of the amendment; when

The question was taken on Mr. BENTON's amendments, and they were agreed to—ayes 17, noes 11.

Mr. BENTON then moved to recommit the bill, that the different objects which it embraces, viz: the abolition of the present system—the establishment of a system of private trade, &c., might be reported in separate bills.

After a good deal of debate on the subject, in which Messrs. OTIS, BENTON, TALBOT, JOHNSON, of Louisiana, RUGGLES, LOWRIE, and LANMAN, took part; and, before taking any question, the Senate adjourned.

FRIDAY, March 29.

Indian Trade.

The Senate resumed, in Committee of the Whole, the bill to discontinue the Indian trade system, and provide for opening the trade to individuals under certain regulations.

Mr. BENTON withdrew the motion which he made yesterday to recommit the bill with certain instructions; and, in lieu thereof, moved to strike out all those sections which proposed to establish a system of private trade, by license, under the management of a principal Superintendent to reside at the Seat of Government,

APRIL, 1832.]

Drawback on Cordage.

[SENATE.]

and assistant superintendent to reside at St. Louis, in Missouri. The effect of this motion was to limit the present bill to a simple abolition and settlement of the concerns of the present factory system.

The question was taken on this motion without debate or objection, and carried; and the bill, as amended, was ordered to be engrossed and read a third time.

MONDAY, April 1.

Maison Rouge's Claim.

The engrossed bill to permit a judicial investigation and decision of the claim of the Marquis de Maison Rouge, to a tract of land in Louisiana, was read the third time, and then, for the purpose of introducing an amendment, to compel the District Attorney to take an appeal to the Supreme Court, should the decision be adverse to the United States, Mr. EATON moved to recommit the bill.

Mr. BROWN, of Louisiana, opposed the motion, on the ground that the amendment was unnecessary, inasmuch as the District Attorney would certainly deem it his duty to prosecute an appeal, should the decision be in favor of the complainant; that the claim was one of too great magnitude and of too much importance to presume that an attorney would omit to appeal, and that the Government might safely confide in that officer to perform his duty in that respect without any compulsory provision in this bill.

After some further conversation on the subject, the motion prevailed, and the bill was re-committed.

TUESDAY, April 2.

Claim of Beaumarchais.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to Congress the translation of two letters from the Minister of France to the Secretary of State, relating to the claim of the heirs of Caron de Beaumarchais upon this Government, with the documents therewith enclosed, recommending them to the favorable consideration of Congress.

JAMES MONROE,

WASHINGTON, March 29, 1832.

Indian Affairs.

Mr. BENTON submitted the following motion for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, at their next session, such information as may in the mean time be obtained, showing the number of persons of whole or part Indian blood, detached from their tribes, and living among the white people in each of the States of Missouri, Illinois, and Indiana, and the Territories of Arkansas and Michigan; the names of the heads of each family, and the number of their children, and whether their father or mother, and which, is of whole or part Indian blood; the names of each single person of the same description above

the age of twenty-one years; the state of education among them, the religion which they profess, and the places of their residence; the causes which have induced them to quit their tribes and settle among the white people; and whether they have received donations in land from the French and Spanish, or American Governments, and if any, how much, from what Government received, where situated, and whether the donee now possesses it.

Resolved, That the President of the United States be requested to cause the said information to be collected from the United States Indian agents, and such others as he shall think proper, by causing the appropriate inquiries to be addressed to them; and the substance of their information to be digested into a report, and communicated to the Senate.

In introducing the preceding resolutions, the mover, Mr. BENTON, stated his objects to be to obtain correct information with respect to the description of persons therein mentioned, with a view of making some provision to better their condition. He knew of many persons in the States and Territories of the description mentioned, some of whom had applied to him to propose a law to give them lands, as had been given to the early white settlers in the same countries. He had delayed acting on their request in order to obtain full and correct information, to make it the basis of a law that would operate generally in behalf of all such persons now residing in the white settlements, and others who may choose to do the like; conformably to the idea contained in the President's inaugural address of the fourth of March last.

Maison Rouge's Claim.

The Senate then resumed, in Committee of the Whole, the consideration of the bill authorizing a judicial trial of the title of the Marquis de Maison Rouge to a tract of land; which bill was, at its third reading, yesterday, re-committed to a committee for the purpose of incorporating certain amendments.

Some debate occurred on certain amendments of form which were offered, and, after adopting one to compel the United States attorney to appeal to the Supreme Court in case the decision of the District Court be in favor of the claimant, the bill was again ordered to be read a third time, by yeas and nays—26 to 18, as follows:

YEAS.—Messrs. BROWN of Louisiana, Eaton, Edwards, Elliott, Findlay, Gaillard, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Knight, Lowrie, Mills, Palmer, Parrott, Pleasants, Seymour, Stokes, Talbot, Taylor, Thomas, Van Dyke, Ware, and Williams of Tennessee.

NAYS.—Messrs. Barbour, Barton, Boardman, Brown of Ohio, Chandler, D'Wolf, Dickerson, Holmes of Maine, Lanman, Macon, Ruggles, Van Buren, and Walker.

THURSDAY, April 4.

Drawback on Cordage.

The Senate took up, in Committee of the Whole, the bill to allow a drawback on the ex-

port of cordage manufactured from foreign hemp.

Mr. D'WOLF remarked, that he did not observe the chairman of the committee (Mr. DICKERSON) who reported the bill, in his seat; he therefore took the liberty to state to the Senate, that the Committee on Commerce and Manufactures had taken the subject-matter of the resolution, proposing a drawback on articles manufactured from foreign materials, under consideration, and resolved to report the bill now before the Senate, proposing a drawback on one article only—cordage made from foreign hemp. Mr. D'W. observed, that he was not desirous of making speeches; and having communicated his views upon the subject, on offering the resolution, if there were no objections to the bill, he hoped it would pass, and if there were, he should wish to hear them.

Messrs. JOHNSON, of Kentucky, BROWN, of Louisiana, and HOLMES, of Maine, made some remarks, questioning the policy of the measure as it regards the home growth of hemp, the revenue, &c.

Mr. D'WOLF then rose and observed, that he considered the policy of the measure sound; that his opinion was in unison with that of the gentleman from Kentucky, that if it militated against the domestic production of hemp, he would abandon the project. But, Mr. D'W. said, he was well satisfied it would not have that effect; that, although it would have a tendency to encourage the importation of hemp, it would encourage the exportation of cordage more, and the balance of encouragement was in favor of the home grower of hemp, who always wished to see the market bare of the article when he brought forward his crop for sale. He said that the Government depended on the consumption of imports for its revenue; and more than this, he believed, they could not have. Congress, said he, takes special care to retain the duties on all that is consumed, as well by the elements (fire and flood) as by the people, which he took leave to remark, operated rather unequally, and bore hard upon the importers, being a direct tax upon them. As to the revenue being injured by the measure, he did not believe that would be the case if fairly considered—all laws were liable to abuse; it would not do to say that Congress should not legislate on subjects of this nature for that reason. The revenue was and must be derived from the industry of the people, be it in what shape it may. We have, said he, Committees of Ways and Means, but I have never known them to do or say much about the means; the time of Congress being consumed upon the ways of collecting and disposing of the revenues, and the means were left to take care of themselves. Mr. D'W. considered that the industry of the people was the means, and that any measures which went to encourage their industry, must be favorable to the revenue; the growers of cotton support the revenue, because they furnish exports, which gave the means to produce im-

ports, and from imports we collect our revenue, as does every branch of industry which adds to the Commonwealth give the means for revenue. The rope maker, who adds value to the imported raw material, and thus makes an article of export, adds to our means of revenue.

He wished, he said, that we were not so much in the habit of classing our industry. He believed it was imported policy to consider the different branches of our industry as adverse interests. He wished we could view the industry of the whole country as one interest. He had taken much pains to look into this subject, and it had not been in his power to find any branch of home industry which would be liable to suffer by the measure now proposed. He was not of the opinion with some gentlemen, that the trade of the country is flourishing; it may be well enough to say so to foreign nations, with whom we have commercial disputes, but he did not believe the fact to be so. He had looked at the book sent to Congress by the Secretary of the Treasury, showing the exports and imports; he found included in our exports the amount of gold and silver coin sent out of the country, which was about two and one-half millions; deduct this from our exports, and it leaves them about the same as the imports. This was not a flourishing state of trade; but if it was a true state of it, he should not be much alarmed. He was not, he said, a gloomy man, nor very desirous to show the worst side of a bad case, but he had always thought he was not adding any thing to his own estate, unless he was selling more of the produce of his own industry than he purchased of others. He had attempted to make some statement for his own guide in this business, but had not finished it; the result, so far as he had gone, led him to the conclusion, that the people of this country are indebted to Europe more than one hundred millions of dollars; the items of debt are many. To pay the interest of this debt, whether it be public or private, it must take a part of our exports, say five millions at least; and this, if paid, leaves a balance against us of that sum, which is adding to the aggregate amount of our debts abroad; and any gentleman who feels disposed to offset this item against the freight our ships make in carrying our produce to market, and profits on our exports, I will offer him, said Mr. D'W., the hundreds of thousands of barrels of flour now piled up in the ports of Europe, and the West Indies, sour and spoiled, on the hands, and on account of the shippers in this country. As for profits on our produce exported, he believed no well-informed merchant would pretend there were any; if we obtain within ten per cent. of the cost, it is considered doing pretty well; it is on the return cargoes we depend for our profits, if we get any.

The shipping interest and trade of the country, Mr. D'W. thought important to the nation. Spanish America, said he, is now offering a trade to the world, and our competitors, the British, are eager to engross it; we have not

APRIL, 1822.]

Ship Building and Navy Yards.

[SENATE.]

the manufactured articles with which to supply that country, nor the manufactories to consume their raw materials; but we have ships, seamen, and enterprise, and some capital, (although not so much as Great Britain,) and we can come in for a share of this trade, if the Government will grant the same aid to enable us to compete with them. England allows drawbacks on cordage to amount of duties, both on the hemp and tar; they obtain their hemp from Russia, the same country which supplies us. We have the machinery and art for making cordage, in as great perfection as the British, or any other European nation, and our people are as capable and industrious; but unless we get the drawbacks, we must give up that branch of trade. The measure now proposed will employ some shipping to bring the hemp for making cordage to export, and as far as this goes, creates consumption of the article in our own country, and of course directly adds to the revenue. We shall go to Europe and obtain manufactures for the Spanish American markets, and carry thither the raw materials of that country, to such ports as may admit us; but the merchant who finds the manufactured articles needed in his own country, and a market at home for his return cargo, must have great advantages over him who has to look to foreign countries for both. Hence, if it be any object with Government to aid commerce, he could see no way to do it better than by this measure, as far as it went. Mr. D'W. asked if the drawback on refined sugar injured the market for the grower of the raw sugar in Louisiana? He thought he must be answered in the negative—and, if it did not, how would the drawback on cordage injure the market for the grower of hemp? The imported hemp having paid the duties, is naturalized, is domesticated, and made harmless; it is domestic hemp, making one common stock with the home-grown article; and he contended it made no difference to the revenue whether the cordage exported and obtaining a drawback, was made of the imported or the home-grown hemp—he said it made no difference to the revenue; you have, said he, a common stock of the imported and home growth, and if it be more than the consumption of your country, you may as well allow the surplus to be exported in cordage, by giving back the duties on the hemp, so far as it has any effect on your revenues, as to have it laying over, to be in the way of your new importations, and your new crop of home growth. He did not advance these ideas in regard to the revenue, as an argument in support of the bill, but merely to satisfy those gentlemen who feared the revenue would be injured by it. When, however, said he, your home growth shall be equal, or exceed your consumption, and you find the drawback on cordage equal to, or exceeding the duties on the imported hemp, then, to be sure, it may be time to think of refusing or reducing the drawback, unless it should be your policy to consider it as a bounty on the home grower of hemp, and

allow it for that purpose. Hemp is an article which cannot be exported in its raw state, there being no market, unless carried back to Europe from where it came.

Mr. D'W. said he hoped for an opportunity of giving some further views on the bill, should its policy be further questioned.

Mr. TALBOT contended that it would be impossible for us to import hemp from Russia, manufacture it here, and then compete with Russia in the sale of the article in the foreign market; that this bill would produce no good effect, but that, if it should have any practical operation, it would be one detrimental to the revenue; that at present Russia hemp was preferred in foreign markets, from its superior beauty, &c., and, instead of discouraging the home product, it ought to be promoted, and the duty on foreign hemp increased. He concluded by moving to postpone the bill to Thursday next, to wait the progress of a bill in the other House, and to allow time for examining the present proposition with some attention.

Mr. MORRILL confessed that, if he believed the effects predicted by Mr. D'WOLF from this measure would result from it, he would readily vote for it; but he was of a contrary opinion, and believed that it would discourage the production of domestic hemp, and therefore be injurious to the agricultural interest, &c.

Mr. OTIS made a few remarks in favor of an earlier consideration of this bill than Thursday next; and expressed his opinion in concurrence with the views offered in its favor by Mr. D'WOLF, which views he conceived to possess much weight, and to be entitled to consideration.

The bill was then postponed to Monday next, the motion having been varied to that day.

FRIDAY, April 5.

Ship-building and Navy Yards—their Cost and Expenses, and personal Establishment of Men, Officers, and Workpeople.

The Senate resumed the consideration of the motions of Mr. HOLMES of the 2d instant, for requesting the President of the United States to communicate to the Senate certain information relative to the Navy of the United States; and the same having been modified, were agreed to, as follows:

Resolved, That the President of the United States be requested to communicate to the Senate the expenses of building each vessel of war built at each navy yard or other place in the United States, authorized by the act of the 2d January, 1813, and the acts supplementary thereto; distinguishing, in each vessel so built, the expenses of timber, iron, copper, cordage, hemp, cloth, and other materials; the amount paid to agents or superintendents, specifying their names; the amount paid for labor, particularizing the sums paid to carpenters, mast makers, boat builders, block makers, blacksmiths, armorers, caulkers, gun-carriage makers, sawyers, sail makers, and riggers, and other laborers.

Resolved, That the President of the United States

be requested to communicate to the Senate the names, number, and grade of the officers, and the number of men, belonging to the Navy, employed in and attached to each navy yard and each naval station in the United States, with the services each has performed, and the compensation each has received in pay, rations, and other emoluments, during the two last years ending on the first of January last, including the value of the benefit to any officers for the use or improvement of any public property.

Resolved, That the information required by the above resolutions be furnished to the Senate at the commencement of the next session of Congress.

Relief of Land Purchasers.

The Senate took up the bill supplementary to the act of last session, "for the relief of the purchasers of public lands" (to extend the time to September, 1822, in which the purchasers may avail themselves of the provisions of that act.)

Mr. THOMAS explained the reasons which induced the Land Committee to report this bill, and the considerations which rendered its passage reasonable and proper.

Mr. CHANDLER offered a few remarks adverse to the policy of legislating any further on this subject.

Messrs. BROWN, of Ohio, JOHNSON, of Kentucky, BARTON, and WALKER, severally advocated the justice and expediency of this bill, urging the shortness of the time allowed, after the passage of the late act, for the purchasers to make the necessary application to the land offices, the injustice of excluding a great portion of them, who were actually unable to make application in time, after the necessary instructions and forms reached the different land offices, in preparing and forwarding which much of the time allowed by the act was consumed, and leaving very little for a compliance with the law, by those for whose relief it was intended, &c.

On motion of Mr. KING, of New York, who wished gentlemen to have time to compare the provisions of this bill with those of the act of last session, the bill was postponed to Tuesday next.

MONDAY, April 8.

Georgia Claims.

On motion by Mr. ELLIOTT, sundry authentic letters between the Governors of Georgia and the War Department, with others from various persons, in relation to Indian depredations on Georgia in the years 1792, 1798, and 1794, communicated by the Governor of Georgia to the Senators from that State, were referred to the Committee on Military Affairs.

TUESDAY, April 9.

Drawback on Cordage.

The Senate resumed the consideration of the bill to allow drawback on cordage manufactured from foreign hemp, and, without further debate,

the question was taken on ordering the bill to be engrossed and read a third time, and was decided in the negative—yeas 11, nays 17.

So the bill was rejected.

WEDNESDAY, April 10.

John J. C. Oldfield.

The Senate took up the report of the Committee of Claims, unfavorable to the petition of John J. C. Oldfield, of Baltimore. [The petitioner was the innocent purchaser of two drafts, issued by the Treasurer of the United States, to the Paymaster General, in favor of two widows for pensions, which drafts, it was afterwards found, were issued on the authority of fraudulent certificates and papers, forged for the purpose, and that the pretended endorsement of these widows on the drafts were forged. Mr. Oldfield, the purchaser of these drafts, prays that the Government will pay them.]

Mr. EATON, deeming the claim on the Government an equitable one, moved to reverse the report, so as to give it a character favorable to the prayer of the petitioner, and supported his motion with a number of remarks. Messrs. BARTON and VAN DYKE, (members of the Committee of Claims,) opposed this motion, and spoke to show that there was no obligation on the part of the Government, in law or equity, to allow the claim. Mr. LLOYD argued to show that the claim was a fair one, and ought to be paid. Mr. EATON added further arguments in favor of the claim. Messrs. LANMAN and RODNEY replied to Mr. E., and advocated the other side of the question. After some further debate, in which Messrs. LLOYD, D'WOLF, EATON, and VAN DYKE, took part, the motion to reverse the report was negatived without a division, and the report was agreed to.

FRIDAY, April 12.

Mr. STOKES submitted the following motion for consideration :

Resolved, That the Committee on Commerce and Manufactures be instructed to inquire into the expediency of giving the assent of Congress to an act of the General Assembly of North Carolina, entitled "An act to incorporate a company entitled the Roanoke Inlet Company," and for other purposes.

MONDAY, April 15.

Georgia Militia Claims.

Mr. ELLIOTT, from the Military Committee, made the following report, which was ordered to be printed :

The Military Committee, to whom was referred the resolution instructing them to inquire into the expediency of providing for the final settlement of the militia claims of the State of Georgia, for services rendered under orders of the President of the United States, during the years 1792, 1798, and 1794, report :

That, in the examination of this subject, sundry authentic letters and other documents were submitted to their inspection ; among which, the following,

April, 1822.]

Georgia Militia Claims.

[SENATE.]

being deemed the most material, are here so arranged and condensed as to present to the Senate, with the least possible detail, the merits of the case, viz :

A letter from the Governor of Georgia to the Secretary of War, dated 22d of May, 1792, communicating to the department official information of the hostile disposition of the Creek and Cherokee Indians, as manifested in the murders which they had just committed, and the houses they had destroyed by fire. After stating these facts, the Governor proceeds: "When you maturely deliberate on the present position of the federal troops, and contemplate the orders to that effect, you will doubtless foresee a series of complicated difficulties that may attend the army in the event of general hostilities. The movement of the army ought to be governed by circumstances; and, whilst it is to remain subject to orders issued at the remote distance of one thousand miles, I cannot help feeling for the situation of the defenceless settlers scattered over an extensive frontier of at least three hundred miles. The savage depredations that have taken place for near three years past have been considerably to the westward of the Rock Landing, from which, to the river Ingalo, there is a frontier of about one hundred and thirty miles exposed to Indian ravages. When I point out this as a defenceless ground, I do not leave out of view that portion of the frontier from the river St. Mary's to the Rock Landing; for, should a pressure take place to the westward, the Indians have sufficient agency to retaliate on the settlers on the lower frontiers. From these considerations, additional exertions towards a general defence will be indispensable."

On the 15th of June, 1792, Major Richard McCall, the commandant of the federal troops in Georgia, thus addressed the Governor of the State: "I have just returned from the Big or High Shoals of Oconee. On my way up, I found the settlements breaking. At this particular crisis the settlers neglecting their crops will, of course, be an injury to the frontiers. I have, therefore, in consequence of your Excellency's permission, called into service some militia. The reports of Captains Barnet and William Strong, my letter to General Clark, and my instructions to the different officers, will show the occasion of the measure."

The Governor of Georgia was informed by letter from Andrew Pickens, dated at Hopewell, 12th September, 1792, that the Cherokee Indians, instigated by Spanish agents, had manifested an unfriendly disposition, and that four towns had actually determined on war; that the chiefs of the Creek nation had not returned from Pensacola, but were soon expected with a large supply of ammunition, at which time it was expected a general war would commence between that nation and the United States. This letter was accompanied with one from Captain R. B. Roberts, commanding the United States troops at Fort Matthews, Big Shoals of Oconee, informing the Governor of the contents of a letter received by him from Mr. Shaw, the superintendent of the Cherokee nation, which induced him to look for a predatory war, if nothing more serious. "The weakness of this post," continues the Captain, "although it is my duty to defend it to the last, is such as to render its tenure very precarious; the strength of it only twenty-four privates! The frontiers here are truly deplorable. No ammunition, no authority, and no settled mode adopted by Government for their protection.

As I am on the spot, I hope your Excellency will not imagine I presume to dictate; but really, sir, if the militia are not called out immediately, in force, this settlement will be totally broken up, and dreadful consequences will ensue." To this letter the Governor replied on the 18th of September, 1792, "that the commandant of the federal forces had long since been served with a provisional arrangement of the militia, by which it will appear that ample provision has been made by the Government for any events that have as yet arisen; and, in case emergencies should require additional aid, to the one-third of the militia, under orders agreeably to the aforesaid arrangement, there shall be no delay on my part in affording every support that the situation of the State will admit." In confirmation of this statement, copies of general orders of the years 1790 and 1792 are found among the papers referred to the committee for examination. By these, the militia of the State are classed, and held ready for active operations whenever their services should be required.

On the 27th of October, 1792, the Governor of Georgia was informed by the Secretary of War of the determination of five towns of the Cherokees, consisting of from three to five hundred warriors, and aided by the Upper Creeks, to commence hostilities against the United States. "But," adds the Secretary, "as Congress is on the eve of their session, this information will be communicated to them. The constitution having invested that body with the powers of war, no offensive operations can be taken until they shall be pleased to authorize the same. At present, the information does not warrant the conclusion that more of the Cherokees than five towns, and the Creeks before mentioned, are for hostilities; but when the flames of war are lighted up, it will be difficult effectually to restrain them within narrow limits. If the information which you may receive shall substantiate clearly any hostile designs of the Creeks against the frontiers of Georgia, you will be pleased to take the most effectual measures for the defence thereof as may be in your power, and which the occasion may require." On the 18th of November, 1792, the Governor was informed by Major Henry Gaither, of the federal troops, that, believing it to be necessary, in consequence of his permission to do so, he had called into service two additional troops, one from Wilkes county, and the other from the county of Elbert.

In a letter of the 29th of April, 1793, the Secretary of War was thus addressed by the Governor of Georgia: "From depositions of Benjamin Harrison and Francis Pugh, and from the information of Joseph Dabb, there is little expectation of avoiding a general war with the Creek and Cherokee Indians. Blood has been spilt in every direction on the extended frontier of this State, and one man killed in South Carolina." After stating the plans he had adopted for temporary defence, he adds: "I shall follow this plan of operation until measures be taken by the President for the better protection of the unfortunate settlers on this exposed frontier. If I find the pressure become great, the opposition must keep pace with the several emergencies."

On the 8th of May, 1793, his Excellency again wrote the Secretary of War that, "such was the havoc and carnage making by the savages in every direction on our frontiers, retaliation by open war became the only resort; that the horrid barbarities recently committed (some recitals of which were en-

closed) had compelled him to cause the additional aid of six troops of horse to be drawn into the service." On the 30th of May, 1793, the Secretary of War acknowledged the receipt of the several letters which had been addressed by the Governor to that Department, and adds, "that, from considerations of policy, at this critical period, relative to foreign powers, and the pending treaty with the Northern Indians, it is deemed advisable to avoid for the present offensive expeditions into the Creek country; but, from the circumstances of the late depredations on the frontiers of Georgia, it is thought expedient to increase the force in that quarter for defensive purposes. The President, therefore, authorizes your Excellency to call into, and keep in service, in addition to the regular force stationed in Georgia, one hundred horse and one hundred militia foot, to be employed, under the orders of Lieutenant Colonel Gaither, in repelling inroads, as circumstances may require." After directing the manner of forming and employing this force, the Secretary concludes thus: "The case of a serious invasion of Georgia by large bodies of Indians must be referred to the provisions of the constitution; but the proceeding with efficacy in future (the necessity of which appears but too probable) requires absolutely that no unnecessary expense shall be incurred in the mean time." In reply to the Governor's letter of May 8th, the Secretary of War, on the 10th of June, says: "The State of Georgia being invaded, or in imminent danger thereof, the measures taken by your Excellency may be considered as indispensable. You are the judge of the degree of danger, and of its duration, and will undoubtedly proportion the defence to the exigencies. The President, however, expresses his confidence, that, as soon as the danger which has induced you to call out so large a body of troops shall have subsided, you will reduce the troops to the existing state of things, provided the safety of the frontiers will admit the measure." After speaking of some military supplies that had been forwarded, he thus concludes: "As a general and open Creek war, in the present crisis of European affairs, would be complicated and of great magnitude, the President is anxiously desirous of avoiding such an event." 'Enclosed is a copy of a letter to the Governor of South Carolina, in case circumstances should require you to call for aid from that State.'

The language of this letter to the Governor of South Carolina is strongly expressive of the President's apprehensions of a state of serious hostilities with the Indians. The Secretary says to the Governor: "The President of the United States has received authentic information from Georgia of the unprovoked and cruel outrages of parties of Creeks upon the frontiers of that State; and, as it is at present uncertain to what degree the evils complained of may be extended, the President has directed me to request your Excellency that, in case the frontiers of Georgia should be seriously invaded by large bodies of hostile Indians, you would, upon the request of the Governor of said State, direct such parties of the militia of South Carolina to march to the assistance of Georgia as the case may require; for the expenses of which the United States will be responsible."

On the 19th of July, Captain Constant Freeman was sent into Georgia, as agent of the War Department, to regulate the issues of public property to the troops who might be in the service of the United States, and to prevent or remedy any abuses which existed. Having, immediately on his arrival, entered

on the duties of his appointment, on the 17th of October, 1793, he directed Major Gaither to attend to the instructions which he had communicated to him from the War Department, in relation to the monthly muster and inspection of the militia in the service of the United States, promising to aid the person he should appoint with the necessary instructions.

On the 19th of February, 1794, his Excellency George Matthews, who had succeeded Mr. Telfair in the Government of Georgia, having in person examined the exposed parts of the State, offered a plan for its defence to the War Department. He protests against the orders which forbid the militia from pursuing the Indians, whose tracks were stained with the blood of those they had just murdered, over a temporary and artificial line, as calculated to encourage the Indians, and to deprive the citizens of the State of the opportunity of reprisal, enjoyed by all nations under such circumstances. This letter is concluded with the following remarks: "I have now to request that some person may be appointed to muster the militia that now are or have been in service, as I presume Captain Freeman has informed you of Major Gaither's having refused to make the appointment. I can, sir, with great sincerity assure you that, in the defence I may require for this State, I have not a wish to make the expense one shilling more than is requisite; and when you reflect that we possess a frontier of more than four hundred miles, exposed to numerous tribes of hostile Indians, I flatter myself the plan I now submit will not be deemed extravagant. I have to request, if the arsenals or military stores of the United States will admit of it, that you send forward equipments for three or four hundred horse. I trust the President will not think this unreasonable, when it is taken into view that this State forms an extensive barrier, or rather picket, to the United States."

In letters of the 25th of March and 14th of May, 1794, the Secretary of War acknowledges the receipt of Governor Matthews' letter; assents to the propriety of his plans, generally, for defence of the State; and sanctions particularly the erection of block-houses throughout the whole line of exposure, at the distance of twenty-five miles apart. On the subject of the pay of the militia theretofore employed, the Secretary observes: "As to the number of militia kept up by your predecessor during the last year, no returns or muster-rolls have been received—of course no judgment can be formed of their amount; some reports have made the number before mentioned to you. When the returns and musters shall be received, the question will be impartially considered by the President of the United States, whether, under all the circumstances of the case, he can consider himself as authorized to pay them. If he cannot, (which is most probable,) the question will be submitted to Congress." In relation to the muster and pay-rolls, the agent of the War Department, Captain Freeman, thus addressed the Governor of Georgia on the 28th of April, 1794: "I am very happy that your Excellency has ordered the muster and pay-rolls for the militia to be prepared and forwarded; and that we so perfectly coincide respecting the nature of the service which has been performed. I make no doubt but that all obstacles will be removed as soon as the former accounts of the militia can be laid before Congress, and that in future regularity and order will be introduced."

APRIL, 1823.]

General Appropriation Bill.

[SENATE.]

On the subject of those claims, Captain Freeman, in a report to the Secretary of War, made the 25th of October, 1802, after stating what muster and pay-rolls he had forwarded to the War Department, and particularly noticing those for the service termed *authorized*, remarks: "When the Accountant received the first estimates, he required explanations relative to these claims, and afterwards a certificate from the Governor that the militia had been called into service for the defensive protection of the frontiers. This requisition I transmitted to his Excellency, who made a statement of the militia services; I transmitted it to the Secretary of War, from whom I received a letter which encouraged the hope that those claims would be admitted and paid; and other letters afterwards received from the Accountant confirmed this belief. However, from the peculiar circumstances of the Government at that time, the attention of the Secretary of War was wholly occupied upon other objects, and he left the Department before any decision took place. It is proper to observe, the citizens of Georgia never thought the force authorized by the President of the United States adequate to the protection of the frontiers."

From the foregoing exposition of the papers submitted to the examination of the committee, and the contents of others yet to be noticed, the following facts seem to be established: That during the years 1792, 1793, and 1794, the State of Georgia was almost constantly in a state of serious alarm and danger from Indian hostilities, against which she was not permitted to defend herself, as was her obvious policy, by carrying the war into the enemy's country, and by burning and destroying their villages and crops, to relieve her citizens from the painful necessity of being for years in arms upon her frontiers. That Georgia was not permitted to pursue this course, because it was the duty and one of the attributes of the Federal Government "to provide for the common defence;" and its policy in this instance, having a due regard to the safety of other parts of the Union, and the success of pending negotiations with other Indian tribes, forbade war with the Creek and Cherokee Indians. That the President became at length seriously convinced of the dangerous situation of the State, and, not having Federal troops at his disposal, did on the 27th of October, 1792, invest the Governor of Georgia with discretionary powers in relation to the force to be employed for the safety of the inhabitants, but confined his operations strictly to defensive measures. That the Governor continued in the exercise of this discretionary power until the 30th May, when it was suspended by a letter of that date from the Secretary of War; but from the increasing pressure upon every part of the frontier, the power to act discretionarily was again restored in the broadest terms in the letter of the Secretary of War of the 10th of June, wherein he says: "The State of Georgia being invaded, or in imminent danger thereof, the measures taken by your Excellency may be considered as indispensable. You are the judge of the degree of danger, and of its duration, and will undoubtedly proportion the defence to the exigencies." So ample was this power thus given for defensive purposes, that in its exercise the Governor of Georgia was not restricted to the use of the means within the State, but was informed that the Governor of South Carolina had been required, should he request it, to order a detachment of the militia of that State to his assistance. That, under this authority, the Governor of Georgia did call

out and place under the command of the Federal officers in that State, large bodies of militia, who were employed along a frontier of nearly four hundred miles for defensive purposes, during the periods to which this inquiry was directed. The services of which troops are acknowledged, and the estimates of the pay claimed by them, amounting to \$129,375 66, are found in the documents examined by the committee, and in relation to which the then Secretary of War, Mr. Pickens, wrote the agent of the War Department in Georgia in August, 1795: "The large estimate for services, about which my predecessor doubted, I have looked into, and will immediately further examine. From the complexion of these claims, connected with the Governor's certificate, which I received enclosed in your letter of the 28d of June, I am inclined to think that they must be generally admitted."

And, again, in a communication to the Governor in September following, the Secretary of War assures him that "money for paying the Georgia militia is preparing to be forwarded. No delay will take place that is avoidable. The post is on the point of starting. I shall write you particularly by the next."

That the President did intend to intrust the defence of the State of Georgia to the discretion of the Governor is apparent from his requiring, as necessary to a decision on these claims, his Excellency's certificate that the troops were called into service by him, and employed for defensive purposes. That they were not, therefore, admitted and paid by the Administration under which they were authorized, can be accounted for only upon the grounds suggested by the agent of the War Department, that, "from the peculiar circumstances of the Government at that time, the attention of the Secretary of War was wholly occupied upon other objects, and he left the Department before and decision" could be made.

Under this view of the subject, your committee are of opinion that the defence of Georgia was a necessary measure on the part of the Federal Government, but became expensive and protracted from the peculiar situation of the United States, which did not permit an invasion of the Indian territory; that the forces employed by the Governor in defensive operations under the authority of the President, did not exceed the exigencies of a frontier of nearly four hundred miles, constantly exposed to the incursions of treacherous enemies inhabiting the adjacent territory, and whose security from pursuit enabled them to concert in safety upon the very confines of the State, their plans of robbery and murder; and, consequently, the expenses of this defence are justly chargeable against the United States. They, therefore, recommend the following resolution:

Resolved, That the Military Committee be instructed to report a bill appropriating \$120,375 66 in full discharge of the militia claims of Georgia.

FRIDAY, April 19.

General Appropriation Bill—Stoppage of Pay to such Officers as may be Indebted to the United States.

The Senate then resumed, as in Committee of the Whole, the consideration of the appropriation bill for the civil list; the question being on the amendment proposing to extend to the military appropriation bill heretofore passed, the

provision prohibiting the payment of the salary of any person while he shall appear to be in arrears to the United States. The amendment to the provision was adopted without a division.

Mr. EATON thought the proviso in the bill altogether inexpedient, and would prefer to strike it out; but believing that would not be acceded to, he should make no such attempt, but be satisfied with an endeavor to qualify it. As it stood, it amounted to a declaration that there was no honesty amongst the public officers of this Government—a charge he was unwilling to make, for the reason that he did not think it was deserved. The provision, in its operation, would, he thought, produce much injury; officers of the Army and Navy on distant service, might not be able to settle their accounts within the period limited by law; the adduction of vouchers could alone remove the debit resting against them; and, until this was done, their salary or pay could not be received by their families. He said the black book, as it was usually called, was a very sufficient argument against the provision as it stood. Last year the balances reported amounted to 15 millions of dollars; and, although during the last year 10 millions of this had been settled, there had been paid the inconsiderable sum of \$80,000. Under the operation of this bill, none of those charged as defaulters could have received any salary due them, although upon a settlement scarcely any thing was found to be due. He therefore moved to amend the provisions so as to apply to arrears which shall "arise under any judgment had against the party; or where the balance is ascertained to be justly and equitably due."

A debate ensued on this and other amendments, which continued about three hours, of which the following is a very brief view:

Mr. LLOYD did not approve of this provision, because he suspected the honesty of any officer of the Government, or because he had any confidence that the statement of the list of balances implied that the persons there named were defaulters—he knew its fallacy too well to believe that to be the case; but he supported this provision on the broad principle, that every man indebted to the people ought to discharge that debt before he receives any more of the people's money for his services; and he argued at some length to enforce the correctness of the principle, and the expediency of carrying it into operation. He would, however, be willing to modify the provision; and read an amendment which he intended to offer.

Mr. HOLMES, of Maine, was utterly opposed to the amendment offered by Mr. EATON, as it would do away the value and utility of the provision, and establish an odious discrimination amongst the public debtors. It would give to those who keep back from a settlement of their accounts a preference over those who come forward and settle promptly, because those who settled and were found indebted would be sub-

ject to its operation, while those who avoided settlement would be exempted from the provision. He knew there was the power of coercion by suit, but it had not heretofore been effectual, either from the neglect of those who ought to prosecute, or the address of debtors in warding it off. This amendment, he said, would moreover give an improper power of discrimination to the Executive branch of the Government, &c. He was therefore in favor of the rigid enforcement of the provision; but the committee had this morning agreed to propose an amendment, which would go to embrace those only who should have been in arrear one year; and he spoke to show that this would be a sufficient relaxation of the principle. He would withhold not a dollar from any officer, which they had a right to; but, while they were indebted to the public, every dollar due to them should go to the payment of that debt. As related to members of Congress, there was no danger that the people would elect men who were indebted to the public and could not or would not settle—they would never elect defaulters.

Mr. VAN BUREN thought that the principle and object of the provision were correct; but its application to the extent proposed by Mr. Holmes would be carrying it too far—this was the danger in the adoption of all new principles. The adoption of this provision to the extent it came from the other House, would be an instance in which, in the attempt to do right, they would fall into the error of doing wrong; it would be acting on the incorrect presumption that the Government was always right, and the individuals always wrong, in their statements. He cited cases in which men were apparently indebted to the Government, yet who owed nothing justly—amongst the examples was that in which officers received during the war Treasury notes at par—they were compelled to receive them at par—and were obliged to disburse them at a loss, and thus became losers and apparent debtors; they had an equitable claim on the Government for the difference, but the accounting officers could not allow it, and the disbursing officers of course continued to appear, and were reported debtors to the Government. He asked if men standing in this predicament, gallant and heroic men, who had sustained the honor of their country in the hour of danger, should be kept out of their just dues for such a reason? He argued at some length to show that, for these and other reasons, the provision ought to be modified at least, if not expunged altogether, and spoke to show that the amendment suggested by Mr. Holmes would not remove the unjust and oppressive operation of the provision. He would prefer the amendment of Mr. Lloyd, but even then it would be a harsh and often an unjust provision; arguing that the whole would be retroactive, so far as it applied to those who had made contracts on the public faith, and would have all the odious character of an *ex post facto* law; would be ruinous, &c.

APRIL, 1822.]

General Appropriation Bill.

[SENATE.]

Mr. SMITH avowed himself in favor of the clause as it came from the House of Representatives—and, if it were to be modified, he would take only that modification which was suggested by Mr. HOLMES. The clause had in view simply to compel those who owed the public to pay their debts, and this was called an *ex post facto* law. He exhibited to the Senate, for he could not undertake to read them, the voluminous lists of those who had been reported public debtors of more than three years' standing, to show the necessity of this provision. He replied to, and rebutted, in detail, the arguments of those gentlemen who had opposed the provision. He was not apprehensive that it would apply to members of Congress—he knew not of any to whom it would apply; but, if it did, it would be right and just: he deemed it in the highest degree reprehensible for any man intrusted with the public money to lay his hands on it; and such a man ought to be excluded from the public confidence.

Mr. JOHNSON, of Kentucky, did not view the large books exhibited by Mr. SMITH to the Senate, in the same light as that gentleman; he felt for those volumes no respect or veneration, for he considered them as no more than official slander. He cited a case, with which he was personally acquainted, in which one gentleman, who lost his life in the service of his country, had been represented as a delinquent to the amount of \$36,000, which account, on an examination, had been pared down to \$2,500, to show how fallacious the official lists of balances were. Many appeared defaulters because they lost their vouchers in the chances of war; some of his friends thus appeared, whose vouchers were sunk in the waves of Lake Erie, when the holders were more intent on meeting the enemy than in preserving papers. He referred to other cases in which men would be thrown under the operation of the provision, by having become the securities of disbursing officers; and was opposed to any measure which would embrace in one sweep the swindler and the honest man. He argued, also, that the law was already ample; because new appointments must be submitted to the Senate, and those now in office were at the will of the President, and could now be dismissed where they were delinquent. The Government had, moreover, the power of bringing suit, and could even take the body, and imprison the debtor at pleasure, when the pound of flesh must be exacted; and he concluded by declaring he thought it the most exceptionable principle that was ever ingrafted in the laws, because it would operate retrospectively, and of course on those who had fought the battles of the country.

Mr. LOWRIE said the simple principle of this provision was, that no money ought to be paid by the Government to a man who is indebted to the Government. If this principle were put to any farmer in the country, he would approve it: it was also conformable to the rules of the Senate in the case of appointment; when

persons were nominated to office, they were referred to a committee to ascertain if they had settled up their public accounts. But it was argued there were difficulties in the way of the adoption of this principle; and these difficulties, Mr. L. argued to show, were not substantial. As to the list of balances, he drew no argument from that in favor of this provision; for he knew the nature of that list too well, and doubted the expediency even of printing it, while the accounts were in a course of settlement. Mr. L. replied to some of the objections of Mr. VAN BUREN, and concluded that, although there would be cases of much hardship, under this provision, yet it would do much good, and he was in favor of it. The Heads of the Departments had decided, he learned, that every officer could settle his accounts within a year, and the amendment of Mr. HOLMES would place the provision on the principle adopted by the departments.

MESSRS. VAN BUREN, HOLMES, LOWRIE, and SMITH, severally enforced their views on this subject.

Mr. RODNEY presumed no one would deny that an officer who was an ascertained and *bona fide* debtor to the Government, ought to be made to pay the debt, and that the provision under consideration ought to apply to all such. So far, all would doubtless agree to, but it was impolitic, he argued, to go further. The great list of balances which had last year overshadowed the country, had been in one year, it appeared, reduced ten millions, and scarcely any part of these ten millions of settled accounts was found due; that book was no evidence of delinquency, and ought to have no influence on the present question. Should the provision be adopted in its full extent, it would allow too much to interpretation, too much to the discretion of the accounting officers, who would then have it in their power to favor some in the settlement of their accounts, while they keep others in suspense, and thus be enabled, by partiality, to commit injustice, &c.

Mr. LLOYD, whose only object was to obtain payment of the public money, moved to modify Mr. EATON's amendment, conformably to what he had suggested previously, but the modification was negatived—yeas 14, nays 14.

The question was then taken on Mr. EATON's amendment, and decided in the negative, by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Brown of Louisiana, Brown of Ohio, D'Wolf, Eaton, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Knight, Lanman, Parrott, Pleasants, Rodney, Seymour, Southard, Stokes, Talbot, Van Buren—19.

NAYS.—Messrs. Barton, Benton, Chandler, Dickerson, Findlay, Gaillard, Holmes of Maine, King of New York, Lloyd, Lowrie, Macon, Morrill, Noble, Palmer, Ruggles, Smith, Taylor, Thomas, Walker, Williams of Mississippi, and Williams of Tennessee—21.

Mr. LLOYD then moved to amend the provision to read as follows:

SENATE.]

Stoppage of Pay to Defaulters.

[APRIL, 1822.]

That no money appropriated by this act, shall be paid to any person for his compensation who is a debtor to the United States, on an account stated and admitted, or on judgment, until such person shall have paid into the Treasury, or secured to be paid into the Treasury, in such manner as the President may direct and approve, all sums for which he may be so indebted.

The question was taken, without debate, on agreeing to this amendment, and was negatived, by yeas and nays—yeas 19, nays 22.

On motion of Mr. HOLMES, of Maine, the provision was amended so as to limit its operation to those who have been for one year in arrears—yeas 25.

Mr. FINDLAY, in answer to those who had said this was a novel principle, stated that the principle had been in operation several years in Pennsylvania; that when adopted there, it was objected to for reasons similar to those used by its opponents on the present occasion; but none of the objections or inconveniences predicted, had in practice been realized. He had assisted in its adoption there, and he had no doubt its effects would be equally as salutary in personal affairs. He did not, however, approve of the exact shape of this provision, and moved a slight amendment; but it was negatived.

Mr. VAN BUREN then, for the reasons he had previously offered on this point, moved to add to the provision the following:

Provided, further, That nothing in this section contained, shall extend to balances arising solely from the depreciation of Treasury notes, received by such person to be expended in the public service.

This amendment was agreed to by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Benton, Brown of Louisiana, Brown of Ohio, D'Wolf, Eaton, Edwards, Findlay, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Knight, Lanman, Lloyd, Pleasants, Seymour, Stokes, Van Buren, Williams of Tennessee—21.

NAYS.—Messrs. Barton, Chandler, Dickerson, Gailard, Holmes of Maine, Lowrie, Macon, Morrill, Noble, Parrott, Ruggles, Smith, Southard, Talbot, Taylor, Thomas, Walker, and Williams of Mississippi—18.

Mr. BARBOUR asked if it was designed to apply the principle of this provision to those who became debtors by being security for public officers; if so, he thought it would be carrying the principle too far, and therefore moved an amendment, making the provision to embrace principal debtors only.

This amendment was opposed by Messrs. LLOYD, HOLMES, of Maine, and WALKER, as an inexpedient and unnecessary discrimination; and it was advocated by Messrs. EDWARDS, TALBOT, BARBOUR, and JOHNSON of Kentucky, on the ground of its justice and expediency, and its conformity to legal principles. After considerable debate, the amendment was negatived—yeas 17, nays 18.

The Senate then proceeded with the bill, and

made some unimportant amendments, and then laid the bill on the table.

SATURDAY, April 20.

General Appropriation Bill—Repair of the Cumberland Road.

The Senate again resumed, in Committee of the Whole, the consideration of the General Appropriation bill.

Mr. TALBOT moved to insert in the bill an appropriation of \$9,000, for repairing the national road from Cumberland to Wheeling; on which motion a brief debate took place.

Mr. BARBOUR remarked, that in opposing the motion, he must disclaim any hostility to the road, whose improvement was the object of the appropriation. So far from it, he considered it as a monument of the liberality of the national councils, and, as far as a freedom of intercourse for social or commercial purposes is friendly to good feelings, in so far was it important to the strengthening of the Union. Whatever might have been the constitutional objections at the commencement of this question, said Mr. B., our predecessors, among whom we find some of the most distinguished men this country ever produced, and remarkable for the correctness of their reading of the constitution, resolved, and with the consent of the States of Virginia, Pennsylvania, and Maryland, to complete this great national measure, so essential to the interests of vast regions of our country, and have actually expended \$1,800,000, by successive appropriations, for near twenty years. To refuse now a pittance to keep this road in repair, established under such circumstances, would indicate a versatility of political opinions, and so fatal to the public interests, as to bring a reproach on our Government. But Mr. B. remarked that he opposed the motion on the ground that it was impolitic to incorporate a provision in this bill, which could not be expected to succeed, and by which this important act of legislation, so essential to the interests of thousands, and whose just claims have been already too long delayed, would be further postponed. Furthermore, it was known that a bill was now pending in both Houses to erect toll-gates on this road. This was perfectly correct, because those who use ought to pay for keeping it in repair. If at the time when that bill comes up, a motion should be made for an appropriation to put the road in a condition to justify the erection of toll-gates, Mr. B. said, as at present advised, he should vote for it.

The appropriation was advocated by Messrs. TALBOT, LLOYD, HOLMES, and RUGGLES, and was agreed to—yeas 21, nays 10.

Stoppage of Pay to Defaulters.

Mr. TALBOT then moved to strike out the clause of the bill which provides that "no person that has been in arrears one year to the United States, shall receive any compensation

APRIL, 1822.]

Stoppage of Pay to Defaulters.

[SENATE.]

under this act, until he shall have accounted for and paid into the Treasury all sums for which he may be liable;" and in lieu thereof, to insert the following as a new and distinct section:

And be it further enacted, That no person or persons entitled to receive moneys from the United States in virtue of this or any other act for the appropriation of moneys, enacted during the present session of Congress, shall receive payment thereof, if any such person or persons shall be at the time of application for such payment, really and truly indebted to the United States on his or their own account, either by judgment not enjoined or appeal from, by bond or other obligation on which no credits are claimed, or by account which shall have been finally closed and settled at the proper department, and which has not been appealed from or contested, until all sums thus due from such applicant shall have been paid up or satisfactorily secured.

A division of the question was required by Mr. WILLIAMS of Tennessee, so as to be first taken on striking out the existing provision.

Mr. TALBOT avowed his concurrence in what appeared to be the almost unanimous opinion of the Senate as to the correctness of the general principle of this provision; but, for the reasons which he submitted in detail, he preferred it in the shape which he had proposed. He could never believe that it was proper, equitable, or just, to carry the principle to securities, however just it was to look to securities in the last resort for payment of a debt due the Government.

Mr. D'WOLF delivered his sentiments at some length against the whole provision. He thought it inexpedient in principle, that it would be a disgrace to the Government, and hoped in God it would be rejected altogether.

Mr. CHANDLER, Mr. JOHNSON of Kentucky, Mr. HOLMES of Maine, and Mr. VAN BUREN, severally added some remarks; when

The question was taken first on striking out the provision, and was decided in the negative, as follows:

YEAS.—Messrs. Barbour, D'Wolf, Eaton, Edwards, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Lanman, Lloyd, Parrott, Pleasants, Rodney, Seymour, Southard, Talbot, and Van Buren—17.

NAYS.—Messrs. Barton, Benton, Brown of Ohio, Chandler, Dickerson, Findlay, Gaillard, Holmes of Maine, King of New York, Lowrie, Macon, Morrill, Noble, Palmer, Ruggles, Smith, Thomas, Walker, Ware, Williams of Mississippi, and Williams of Tennessee—22.

And the proposition of Mr. TALBOT fell of course.

Mr. BARBOUR, encouraged by the nearly equal division of the Senate, in Committee of the Whole, renewed the motion which he offered without success in committee, to make the provision applicable to principal debtors only, and not to include securities.

Mr. HOLMES, of Maine, briefly opposed this amendment; and Mr. RODNEY submitted the grounds why, in such a case as the provision

contemplated, the discrimination between the principal debtor and his security was proper, just, and expedient; repeating his concurrence in the soundness of the general principle, which he approved so heartily, that he should prefer to see one so important and valuable in a separate act, instead of a simple proviso in a common appropriation bill.

Mr. KING, of New York, Mr. D'WOLF, and Mr. VAN BUREN, added a few words each; when the question was taken on the adoption of the amendment offered by Mr. BARBOUR to except securities, and decided in the negative, by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Brown of Louisiana, Brown of Ohio, Dickerson, Eaton, Edwards, Findlay, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Knight, Pleasants, Rodney, Seymour, Southard, Stokes, Talbot, Van Buren—19.

NAYS.—Messrs. Barton, Benton, Chandler, D'Wolf, Gaillard, Holmes of Maine, King of New York, Lanman, Lloyd, Lowrie, Macon, Morrill, Noble, Palmer, Parrott, Ruggles, Smith, Taylor, Thomas, Walker, Ware, Williams of Mississippi, and Williams of Tennessee—28.

Mr. LLOYD then moved the adoption of the following, as an additional proviso to the section:

Provided, also, That no person shall be considered as in arrears under the provision of this act, unless on bond or obligation for the payment of money, upon which credits have not been claimed: on a claim confessed or admitted or on judgment tendered in a court of law: And on securing the arrears to be paid into the Treasury, in such manner as the President may direct and approve, such debtor shall not be liable to the provisions of this act.

Mr. HOLMES, of Maine, objected to the amendment; and Mr. LLOYD offered at some length his reasons in favor of it—deeming it consistent with the principle of the provision, which he heartily approved, but the proviso he thought necessary to give the principle its fair and just operation. Mr. D'WOLF reiterated his decided hostility, and his objection to the whole principle of the proviso, which he deemed injurious to the honor of the nation.

The question was then taken on the proviso offered by Mr. LLOYD, and negatived, by yeas and nays:

YEAS.—Messrs. Barbour, Brown of Louisiana, Brown of Ohio, D'Wolf, Eaton, Edwards, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Lanman, Lloyd, Parrott, Pleasants, Rodney, Seymour, Southard, Stokes, Talbot, and Van Buren—20.

NAYS.—Messrs. Barton, Benton, Chandler, Dickerson, Findlay, Gaillard, Holmes of Maine, King of New York, Knight, Lowrie, Macon, Morrill, Noble, Palmer, Ruggles, Smith, Taylor, Thomas, Walker, Ware, Williams of Mississippi, and Williams of Tennessee—22.

Mr. EATON then offered the following, as an amendment of the proviso:

"But in all cases where the pay or salary of any person is withheld in pursuance of this act, it shall be the duty of the accounting officers, if demanded by his agent or attorney, to report forthwith to the agent of the Treasury Department the balance due; and it shall be the duty of said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties; and on failing to do so, the pay or salary of such supposed delinquent shall not be withheld."

An earnest, and in some degree warm, discussion of this amendment ensued, in which Messrs. EATON, HOLMES of Maine, JOHNSON of Kentucky, LOWRIE, VAN BUREN, and D'WOLF, took part, and which turned, incidentally, on the general principle of the provision also.

Mr. WALKER moved to expunge that part of the amendment which followed the word "sureties;" which modification, after some debate, in which Mr. WALKER, EATON, and BROWN of Ohio, took part, was accepted by Mr. EATON.

The amendment, as modified, was then agreed to.

Mr. SMITH, for the reasons that he submitted, offered the following additional proviso:

Provided, nevertheless, The person so applying and claiming the right to be sued, shall first tender to the public officer ample security to indemnify the Government against the costs of the suit.

The proviso was negatived, yeas 16, nays 21.

Mr. JOHNSON, of Kentucky, then offered an amendment, to exempt from the operation of the provision those persons who stand in arrears as the sureties for disbursing officers during the late war, unless where judgment has been rendered against himself or principal.

The amendment was negatived, by yeas and nays—14 to 25, as follows:

YAYS.—Messrs. Barbour, Benton, Brown of Louisiana, Brown of Ohio, Eaton, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Pleasants, Rodney, Seymour, Talbot, and Van Buren.

YEAS.—Messrs. Barton, Chandler, D'Wolf, Dickerson, Findlay, Gaillard, Holmes of Maine, King of New York, Knight, Lanman, Lowrie, Macon, Morrill, Noble, Parrott, Ruggles, Smith, Southard, Taylor, Thomas, Walker, Ware, Williams of Mississippi, and Williams of Tennessee.

The amendments were then ordered to be engrossed, and the bill ordered to a third reading.

MONDAY, April 22.

Revolutionary Pensions.

The Senate took up in Committee of the Whole, the bill from the House of Representatives, supplementary to the acts of 1818 and 1820, allowing pensions to Revolutionary soldiers, &c.

[Under the act of 1820, several thousand pensioners were stricken from the pension roll, who were deficient in the proofs necessary to entitle

them to be continued on the roll.* Subsequently those so stricken off presented further proofs in support of their right to enjoy the benefits of the act of 1818; but the Attorney-General, whose opinion was taken in the case by the Secretary of War, decided that the persons who had been struck from the roll, under the act of 1820, could not, even on the adduction of further proof, be restored thereto by the Secretary of War, inasmuch as the Secretary's authority has ceased, as related to them. And the present bill was intended to "authorize and require the Secretary of War to restore to the list of pensioners the name of any person who may have been, or hereafter shall be, stricken therefrom, in pursuance of the act of 1820, whenever such person, so stricken from the list of pensioners, shall furnish evidence, in pursuance of the provisions of said act, to satisfy the Secretary of War that he is in such indigent circumstances as to be unable to support himself without the assistance of his country."]

The Committee on Pensions, to which this bill had been referred, reported the same with a recommendation that the bill be indefinitely postponed; and the question was on agreeing to this recommendation.

On this question a debate ensued, which continued nearly two hours. The indefinite postponement was opposed by Messrs. DICKERSON and MORRILL; and it was supported by Messrs. NOBLE and BROWN of Louisiana. The question being taken on the indefinite postponement of the bill, it was decided in the affirmative by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Barton, Benton, Brown of Louisiana, Brown of Ohio, D'Wolf, Edwards, Findlay, Gaillard, Holmes of Mississippi, Johnson of Louisiana, King of Alabama, Lloyd, Lowrie, Macon,

* **PENSIONERS.**—In the short synopsis which we published on Tuesday in the Senate proceedings, of the operation of the pension act of 1820, and the object of the bill recently before Congress, some pains were taken by our reporter that the facts should be correctly stated, and, with that view, the statement was submitted to one or two of those who were presumed to be most familiar with the subject. It appears, however, by the subjoined letter from the gentleman who superintends the Pension department, that the statement is in some respects liable to misconstruction: which letter, to avoid any further misapprehension, we think it best to insert entire.—*Editors Nat. Intel.*

WAR DEPARTMENT, PENSION OFFICE,
23d April, 1822.

GENTLEMEN: There is an error in your report of the proceedings of the Senate of yesterday. It is therein stated, that "several thousand were stricken from the pension roll who were deficient in the proofs necessary to entitle them to be continued on the roll." Not so. Not a man has been dropped from the list under the act of May, 1820, who has not exhibited "the proofs necessary." I.e. the evidence prescribed by law, a schedule of property: but the bill which passed the House, and which was rejected by the Senate, authorized the Secretary of War to restore those to the roll who, since they were dropped therefrom, have become indigent enough to need "the aid of public or private charity." The publication, you will readily perceive, is calculated to lead to a very unfavorable conclusion, in regard to the due administration of the law; because, on referring to the act, it will be found that no authority is given to the Secretary to drop any name from the list, except on the evidence of the schedule. Be pleased to correct the error, and oblige your obedient servant.

J. L. EDWARDS.

April, 1832.]

The Fur Trade of the West.

[SENATE]

Noble, Pleasants, Smith, Stokes, Talbot, Taylor, Thomas, Walker, Ware, Williams of Mississippi, and Williams of Tennessee—25.

YAY.—Messrs. Chandler, Dickerson, Holmes of Maine, King of New York, Knight, Lanman, Morrill, Palmer, Parrott, Ruggles, Seymour, and Van Buren—12.

So the bill was rejected.

WEDNESDAY, April 24.

Lead Mines Revenue.

Mr. BENTON submitted the following motion for consideration :

Resolved, That the President of the United States be requested to make known to the Senate, whether any revenue has accrued to the United States, and if any, how much, from leases of lead mines in the valley of the Mississippi; whether any lease, promise, or agreement, is now in force for the use and occupation of any such mines, with copies thereof, if written, and the substance thereof, if verbal; with the names of the lessees, and their places of residence; whether the said leases, if any such there are, have been made with or without public notice, at auction or by private contract, by whom and with whom, with a copy of the powers under which each acted; also, a copy of the regulations, if any have been made, for carrying into effect the acts of Congress which authorized the lease of lead mines.

Importation of Spirits.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, delivered in the following report; which was read, and ordered to be printed:

The Committee of Commerce and Manufactures, who were instructed to inquire into the expediency of prohibiting the importation of foreign spirits, report :

That, in their opinion, the agricultural as well as manufacturing interest of the United States would be promoted by prohibiting the importation of foreign spirits. That the quantity of spirits that would in a short time be manufactured in this country to supply the place of that now imported, would afford a source of revenue more efficient, and much less precarious than that now derived from the importation of foreign spirits. But, as an immediate prohibition would injure the commercial interest of the United States, as well as diminish the revenue, until a system of excise could be brought into operation, the committee think it would be expedient to arrive gradually at the objects in view, by increasing the duties on foreign spirits. A bill, however, for this purpose, must be considered as a bill for raising revenue, and can only originate in the House of Representatives. The committee therefore submit the following resolution:

Resolved, That the Committee of Commerce and Manufactures be discharged from the further consideration of the resolution, instructing them to inquire into the expediency of prohibiting the importation of foreign spirits.

Navy Appropriations.

The Senate then resumed the consideration of the Navy appropriation bill, Mr. PLEASANTS withdrew the amendment he offered on Monday to the bill, to make an additional appropri-

ation for the suppression of piracy—having ascertained that the object was provided for, and the amendment unnecessary.

Mr. KING, of New York, moved to recommit the bill to the Finance Committee, with instructions to strike out the clause (inserted on Monday) providing that, when the Navy rations are drawn in money, the ration shall be valued at *twenty cents* (instead of 25 cents, which the regulations of the Navy have, since 1814, fixed the commutation price of the ration at

On this motion a long discussion took place, which continued until three o'clock, and in which Messrs. KING of New York, HOLMES of Maine, PARROTT, CHANDLER, PLEASANTS, JOHNSON of Louisiana, LANMAN, EATON, LOWRIE, BROWN of Ohio, MACON, and WALKER, took part. The motion to recommit the bill for the purpose stated, was ultimately agreed to.

THURSDAY, April 25.

Importation of Slaves.

Mr. EATON submitted the following motion for consideration :

Resolved, That the President of the United States be requested to communicate to the Senate the report of the Attorney-General, relative to any persons (citizens of the United States) who have been charged with, or suspected of, introducing any slaves into the United States, contrary to existing laws.

Lead Mine Rents.

The Senate proceeded to consider the motion of the 24th instant, for requesting the President of the United States to communicate to the Senate certain information relating to certain lead mines in the valley of the Mississippi, and agreed thereto.

The Fur Trade of the West—Its Value as a Branch of Commerce and as a Means of controlling the Indians—Its Regulation as a Free Trade in the hands of Licensed Citizens.

The Senate then took up, in Committee of the Whole, the bill to amend the act of 1802, regulating trade and intercourse with the Indian tribes.

Mr. BENTON moved an amendment to the first section in the following words : "And the power to grant licenses shall be vested in persons at points convenient for carrying on the trade."

[The bill and amendments propose to place the fur trade on liberal principles; opens it to all American citizens, and none others; vests in Superintendents of Indian Affairs, and Indian agents, the power to grant licenses for two years with the near tribes, and seven years with the remote tribes beyond the Mississippi; subjects to seizure and forfeiture the goods of all traders who carry ardent spirits to trade with the Indians; and repeals the section of the former act which subjects the traders' license to be recalled without notice or proof of misconduct.]

Mr. BENTON, of Missouri, spoke in support of the bill and these amendments.

He considered the fur trade as an object of national concern, and entitled to the notice of the Senate. He spoke of it in two points of view:

1. As a branch of commerce.
2. As the means of controlling the Indians.

On the first point—Mr. B. quoted several books to show the value of the fur trade, as carried on under the Spanish Government, at St. Louis; under the Republic, at the same place; and by the British trading companies on the waters of the Mississippi and Missouri, and on the lakes and rivers out towards the Arctic region.

The work of Perrin, a French writer, sent by Napoleon to examine the resources of Louisiana, about the year 1800, estimates the furs, robes, and peltries, taken on the waters of the Missouri, at 600,000 *livres tournois* annually, and those taken on the waters of the Upper Mississippi at 1,200,000; the latter being almost exclusively in the hands of the British.

The work of Major Stoddart, written in 1804, states the value of this trade, at St. Louis alone, to have averaged \$208,000 annually, for fifteen years before the transfer of the province, amounting, in the whole, to upwards of \$3,000,000 in that time.

Mr. B. exhibited a table which showed the value of the trade for the year 1816. It was taken from the office of the Superintendent of Indian affairs at St. Louis, (Governor Clark,) and embraced all the business done within the limits of the United States by the American and British traders, and by the United States factories, and amounted to \$441,200; of which \$29,800 was exported by the way of New Orleans; \$122,020 was taken up the Ohio River into the Atlantic States; \$258,400 was taken through the Canadas, on the line of the Illinois River, the lakes, and the St. Lawrence; and the remainder, \$81,000, was consumed in the country.

Mr. B. referred to Sir Alexander McKenzie's *History of the Fur Trade*, and Winterbotham's *View of America*, to show the value of this trade, as carried on by the Northwest and Hudson Bay Companies. The first had amounted, annually, for forty years, to a million and a quarter of dollars per annum—fifty millions in the whole; and much of it taken from the territory of the United States. The second, being a monopoly for a long time in the hands of Crown favorites, produced but a trifle, say \$140,000 annually, until the late Earl of Selkirk purchased the charter, and came in person to push the trade. The two companies are now united. The name of the Northwest is merged in that of Hudson's Bay, under whose charter the trade is now carried on with increased activity, and with such prospect of emolument that the stock of the company is quoted, in the latest London papers, at one hundred per cent. advance.

Mr. B. said, that the trade in the hands of American citizens had not increased for some

years. A rivalry had existed between the private traders and the Government traders; and the latter, having the ear of the Government, had been able to prejudice the former, without doing anything themselves proportionate to the capital of \$800,000, which was placed in their hands. He had not precise data for fixing the amount of the private capital now embarked, but would estimate it at \$120,000 for the waters of the Upper Mississippi, and \$200,000 for the Missouri and its tributaries. These sums were intended to cover only the stock in trade; the expenses in boats, boatmen, provisions, clerks, interpreters, &c., was a distinct item, and a large one, amounting, in some instances, to seventy-five per cent. upon the capital.

Mr. B. said, that this view was sufficient to show that the fur trade, as a branch of commerce, was entitled to the notice of statesmen and to the protection of the Government; yet he had only presented a limited view of its value; he had confined his observations to the waters of the Upper Mississippi, and to the Missouri below the Mandan Villages; he had not carried the eyes of the Senate to the Rocky Mountains, and shown them there the richest fur region in the world, belonging, by law, to the citizens of the Republic, and possessed, in fact, by the subjects of the British Crown. The Republic owns the section of the Rocky Mountains between the latitude of 42 and 49 north, say 500 miles from north to south, and, on an average, 800 wide; the summits of the ridges penetrating the region of perpetual snow; the valleys rich and beautiful, covered with grass, clover, wood, and wild fruits, finely watered; abounding in horses, buffaloes, antelopes, and the most valuable of the furred animals, not excepting the ermine; in a word, presenting all the characteristics of the Alpine region in Switzerland, before it was cultivated. The Republic was indebted to the enterprise of Lewis and Clark for the discovery of this rich region. Several companies of American citizens had attempted to avail themselves of that discovery. Lisa, who, with 250 men, ascended the Missouri to its source in 1808, and was expelled by the hostilities of the Blackfeet Indians, supposed to be instigated by the Northwest Company. Messrs. Hunt and Crooks, with 60 men, who crossed to the Columbia about the year 1811, and were compelled to abandon their enterprise, by the events of the war, which soon after broke out; and a company of 100 men, headed by Major Andrew Henry, a companion of Lisa's in the expedition of 1807, 1808, now ascending the Missouri, and who will, in all probability, be attacked by the Aricaras, the roving bands of the Sioux, or the Assiniboinas; tribes intimately associated with the British fur companies.

Taking the trade of the mountains into the estimate, and Mr. B. computed the capital it would annually employ at a million of dollars, and that it would give employment to 2,000

APRIL, 1822.]

The Fur Trade of the West.

[SENATE.]

men. The British companies traded upon a greater capital, employed about 2,500 men, and were at this time bringing out 800 regular troops from England, to be stationed convenient to the northern bend of the Missouri, which approximates to the line of their forts and trading posts on the rivers of the Winipee Lake.

The nature of the capital would enhance the value of the trade to the country. It would consist, in good part, of articles of home growth or production—powder, lead, shot, axes, hatchets, knives, guns, tobacco, and coarse fabrics of wool and cotton; many of which would be got in the West, convenient to the trade, and would give a spring to the industry, which now languishes for want of aliment to feed it.

The nature of the proceeds would still further enhance the value of the trade. It would give, in return, articles of the first value and necessity—the common furs, universally in demand as the chief material for making hats, and the richer kind, esteemed, both at home and abroad, as an article of dress; worn by monarchs for magnificence, ladies and city gentlemen for beauty, and by travellers as the best defence against frost, and commanding in foreign parts, China, Japan, Germany, and Russia, twice or thrice their value in the American market.

Mr. B. contrasted the value of the fur-trade with the commerce carried on with many foreign powers, and for the protection and preservation of which the Republic keeps up expensive establishments of embassies, consuls, and ships of war, and which consume less amounts of American produce, and give in return articles of incomparably less value. He particularized the commerce of Russia, which consumes \$147,000 of American produce, (taking the year 1822 as the criterion,) and gives in return raw hemp, or its fabrics, to the prejudice of the growers of hemp in the Western States; the trade with Sweden, which takes \$154,000, and returns iron, to the manifest injury of our own districts which produce that metal; with Portugal, which takes \$147,000, and sends wine, to put our own whiskey out of countenance, and discourage the grain growers; and all the ports in the Mediterranean, Levant, and Adriatic seas, taking in the whole, but \$615,000, and sending back articles of taste and fancy, of little or no substantial use. Mr. B. considered all this commerce as a miserable object compared to the fur trade; yet the latter was neglected, and the richest part of it left to the quiet enjoyment of the British, to the great prejudice of the Western States; while the former was cherished, at an annual expense of more than half a million of dollars, in ambassadors, consuls, and naval armaments; and the slightest interruption to it would be considered, by all the Cis-Alleganian States, as just ground of complaint and remonstrance on the part of the Republic.

Mr. B. spoke of Mr. Jefferson's ideas, suggested in his instructions to Lewis and Clark—the practicability of taking the furs of the

Rocky Mountains direct to China, upon the line of the Columbia River and the Pacific Ocean. He said the problem had been resolved; it had been done; it was done by the company which crossed the mountains in 1811, and there was no difficulty in it. The Columbia River was of easy navigation, a good harbor in its mouth, and the Pacific Ocean void of peril. The region of the mountains, so formidable to the progress of Lewis and Clark, is now traversed by various and easy passes. The first and main ridge is crossed upon a good road, made by buffaloes and Indians, leading from the Falls of Missouri to the forks of Clark's River, (150 miles;) points between which the first discoverers travelled about 1,200. The next bed of mountains on which they found snow twelve feet deep in June, is now turned upon the right by descending Clark's River two or three degrees, and then passing west, over land through an open level country, to Lake Wayton, whence issues the navigable Lantau River, entering the Columbia at a short distance, and avoiding the falls and rapids at the foot of the mountains. Mr. B. had no doubt but that East India goods would enter the valley of the Mississippi upon the same route. He would not discuss the question now, but he would say, that the sea between America and Asia was peaceful; that the tide flowed up the Columbia 183 miles; that the river was deep and gentle, and periodically flooded; that the land carriage was short and easy, over a region which furnished snow for sleighs six months in the year, and convenient to the fine horses on the Plains of the Columbia; that the longest part of the route was in the descent of the Missouri, (2,575 miles from the falls to the Mississippi,) which, being down the stream, was nothing; that the articles to be brought in were of little weight, great value, and small bulk, such as were once carried some thousand miles upon camels, and constituted the wealth of merchants whose opulence is yet seen in the ruins of Alexandria and Palmyra, and upon the line on which the commerce of Asia had ever flowed.

On the second point.—The fur trade is the true means of controlling the Indians. The history of these States, when colonies, and ever since, is full of the proofs. The King's Governors always operated upon the Indians through their traders. The French authorities in Canada, and in the valley of the Mississippi, did the same, and they both operated successfully upon them. The consequence was, that, in every war between the French and the British, the Indians came in more as principals than auxiliaries, and always took the side of the power to whom their respective traders belonged. In the war of the Revolution these truths were too recent not to be known, and too convincing not to prevail. The Congress of 1776, to gain the good will of the Indians, addressed themselves to the American traders. They even advanced money to purchase goods, to be sold without profit to the traders, to enable them to

carry on their trade, and to preserve their influence among the neighboring tribes. The sum of 40,000 pounds sterling, was voted at one time (January, 1776) for this object; and the goods distributed to the traders at 2½ per cent. on the cost and freight. Our enemies, the British, acted upon the same principle, and with more success, because they acted with more perseverance, and had greater means at their disposal. In the late war the same results were seen. A trading-house in Pensacola directed the Creeks against us; the agents of the North West Company led a dozen nations against the frontiers of Ohio. The Republic had comparatively but few on her side. The reason was, that she had no traders among them to gain their affections; only factories, "to improve their moral and intellectual faculties, to convert them into farmers and Christians," charitable institutions, without doubt, but so little capable of controlling the warlike spirit of the savages, that the factories were themselves the first objects of attack on the breaking out of hostilities.

Mr. B. would not fatigue the Senate with further remarks on this point. He only wished to revive the recollection of the policy observed by our ancestors when Indian affairs were better understood than at present. He trusted that he had said enough to sustain the positions which he had assumed in favor of the fur trade, and shown that its importance, both as a branch of commerce, and the true means of governing the Indians, entitled it to the national protection.

The bill and amendments are calculated to give it some protection. They repeal the 7th section of the act of 1802, because that section gives to superintendents and agents the power to recall the licenses of traders, without showing cause, and trying the truth of it. He had heard of no license improperly recalled, but it might happen; and a trade so valuable, in which so large a capital would be embarked, should not be subject to a sudden suspension at the will of any man. They (the bill and amendments) authorize licenses to be granted for seven years. Heretofore they were limited to two. This period was fixed when the Mississippi was the boundary of the Republic; it is no longer an adequate time, when that river, ceasing to be the *ultima thule* of the trader, has become his starting point. The British companies have just had their license (charter) extended twenty-one years, and the Russians twenty; and seven years is sufficiently short for the American trader, who goes to the Rocky Mountains to contend with the former, and to the Columbia River to contend with the latter. The section intended to be repealed left the trade open to British subjects; it was obliged to do so under the third article of Mr. Jay's Treaty; but the late war had abrogated that treaty, and it was worth a war to get rid of it. The Treaty of Ghent had not revived the odious privileges of the third article, and it was the bounden duty of

Congress to avail itself of this advantage, and to exclude British traders from the navigation of the Mississippi and the trade of our Indians. The bill and amendments propose to do so; they confine the licenses to American citizens, and the goods of those who have no licenses will be subject to seizure and confiscation. The bill facilitates the acquisition of licenses to American citizens, by vesting the power to grant them in officers stationed at convenient points for carrying on the trade. The Governors of Michigan and Arkansas, as superintendents, have this power. All the agents have it. A superintendency is established at St. Louis to exercise it; and this facility will give to that town the advantage which its geographical position has always claimed, and which the improvidence of Mr. Jay's Treaty had conferred upon Montreal—the advantage of being the *entrepot* of the American fur trade.

Mr. B. said there was a further protection due to the fur trade, not now contemplated by the bill before the Senate, and he regretted to say, not countenanced heretofore by the Congress. He alluded to the military expedition to the Upper Missouri. His local position beyond the Mississippi had given him an opportunity of gaining local intelligence, and, presuming upon this, he would differ in opinion from the majority of the Congress which had stopped this expedition. He applauded the policy which selected the Mandan villages for a military post, which intended to place on that point of approximation to the British establishments of Lake Winipeg, an adequate force to overawe her traders, and to encourage our own in carrying their commerce to the region of the Rocky Mountains. He considered this expedition as a branch of that enlightened system of national defence which, embracing the vast circumference of the Republic, and seizing at once all the commanding points on the Lake, the Gulf, the maritime and western frontier, endeavored to provide for every part an efficient and appropriate defence. He knew that a waste of money had taken place in the ascent of the Missouri, and he was willing to go all lengths with the Senate in correcting that and the like improvidences in other places; but he utterly protested against the justice of seizing upon a circumstance to defeat a plan of national defence, so honorable to the administration which had formed it, and so well calculated to secure posterity, as well as ourselves, from the calamities of a country engaged in war, and open, upon a hundred lines, by land and water, to the invasion of the enemy's arms.

MONDAY, April 29.

South American States—Diplomatic Intercourse with such of them as have Established their Independence.

The Senate, according to the order of the day, took up, in Committee of the Whole, the bill from the House of Representatives making

APRIL, 1822.]

Repeal of Florida Territorial Laws.

[SENATE.]

an appropriation of \$100,000 to defray the expenses of missions to the independent nations on the American continent.

The amendment reported by the Committee of Foreign Relations to the bill, (to increase the appropriation to \$110,000, and subjecting the bill specifically to the limitations of the general law concerning the compensation of public ministers,) was negatived—Mr. KING, of New York, having expressed the opinion that they were unnecessary.

Mr. SMITH, of South Carolina, proposed to amend the bill by adding thereto the following proviso:

"Provided, nevertheless, That no money shall be drawn from the Treasury for that purpose until the President shall be fully satisfied that such missions will not interrupt the friendly relations of the United States."

And the question being taken on the adoption of this amendment, it was decided in the negative, as follows:

YEAS.—Messrs. Chandler, Eaton, Holmes of Mississippi, Lloyd, Macon, Ruggles, Smith, Taylor, and Williams of Mississippi—9.

NAYS.—Messrs. Barbour, Barton, Benton, Brown of Louisiana, Brown of Ohio, Dickerson, Findlay, Gaillard, Holmes of Maine, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Knight, Lanman, Lowrie, Morrill, Palmer, Parrott, Pleasants, Rodney, Seymour, Stokes, Talbot, Van Buren, Walker, Ware, and Williams of Tennessee—28.

Mr. EATON proposed to amend the bill so that the President should not appoint any Minister but with the advice and consent of the Senate.

Mr. KING, of New York, said such an amendment could not be necessary, because the Constitution of the United States was sufficiently explicit on the subject. It was only in appointments that become vacant during the recess that the President was authorized to exercise the right of appointing to office. In original appointments, where there had not been an incumbent of the office, such a power under the constitution did not attach to the Executive, and hence could not be exercised. It was quite unnecessary, therefore, to provide, by any statutory provision, for that which was already sufficiently guarded by the constitution.

Mr. E. was aware that the views of the gentleman were correct. He had no doubt but that the correct meaning of the constitution was such as was stated by Mr. King; but, however this fact might be, it was not to be disguised that the President of the United States had, by the course he had pursued on a former occasion, manifested a different understanding of the constitution. Mr. Madison had nominated Ministers to negotiate the Treaty of Ghent in the recess of the Senate; and these were not vacancies, but original appointments. If this had been acquiesced in by the Senate, and such he understood had been the case, it

might be considered as authority for the Executive to adopt that course again. Such a course he thought unauthorized, and he wished, by the adoption of the amendment proposed, to say so. The Senate should retain the powers that belonged to it; nor was it less material that it should judge of the merits and qualifications of those who might be appointed.

Mr. HOLMES, of Maine, remarked that the constitution was certainly definite enough upon this subject; the amendment proposed could not make it more so; and he was altogether unwilling, where the rule was prescribed already by an instrument, from which neither the President nor this body had a right to depart, to attempt either to enlarge it, or to declare what should or should not be its true construction. The President was competent to judge of this matter without any opinion being offered by the Senate.

Some remarks were offered by Messrs. WALKER and KING, of Alabama, as to the practice of the Senate, the intent of the constitution, &c.; when

Mr. EATON observed, that, having referred to the Executive Journal of the Senate, from which the injunction of secrecy had been removed, he had found that the principle acted on by Mr. Madison, in relation to the Ministers who formed the Treaty of Ghent, had not been acquiesced in, but had been protested against by the Senate; it was, therefore, not to be viewed as establishing any precedent, and he would withdraw the amendment he had offered.

The question was then taken on ordering the bill to be read a third time, and was decided in the affirmative, as follows:

YEAS.—Messrs. Barbour, Barton, Benton, Brown of Louisiana, Brown of Ohio, Chandler, Dickerson, Eaton, Edwards, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Knight, Lanman, Lowrie, Morrill, Noble, Palmer, Parrott, Pleasants, Rodney, Ruggles, Seymour, Southard, Stokes, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, Williams of Mississippi, and Williams of Tennessee—39.

NAYS.—Messrs. Lloyd, Macon, and Smith—3.

TUESDAY, April 30.

Repeal of Florida Territorial Laws.

Mr. HOLMES, of Maine, agreeably to notice, having obtained leave, introduced a bill to relieve the people of Florida from the operation of certain ordinances. [This bill proposed to repeal the ordinance of Governor Jackson, of July 18, 1821, concerning naturalization, and the ordinance of the City Council of St. Augustine, of October 19, 1821; imposes fines and imprisonment on any person who shall hereafter attempt to enforce said ordinance; and provides for refunding to the people of Florida all moneys which they have paid under said ordinances.] The bill was twice read, and referred to the Committee on the Judiciary.

United States Militia Fines.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, vesting in the respective States the right of the United States to all fines assessed for the non-performance of militia duty during the last war, and the further consideration thereof was postponed to, and made the order of the day for, tomorrow.

The bill making an appropriation to defray the expense of missions to the independent nations of the American continent, was read the third time, passed, and returned to the other House.

Trade with British West Indies.

Mr. KING, of New York, from the Committee on Foreign Relations, reported the following bill, which was read:

Be it enacted, &c., That on satisfactory evidence being given by the President of the United States, that the ports in the islands, or colonies, in the West Indies, under the dominion of Great Britain, have been opened to the vessels of the United States, the President shall be, and hereby is, authorized to issue his proclamation, declaring that the ports of the United States shall thereafter be open to the vessels of Great Britain, employed in the trade and intercourse between the United States and such islands or colonies, subject to such reciprocal rules and restrictions as the President of the United States may by such proclamation make and publish, any thing in the laws, entitled "An act concerning navigation," or an act, entitled "An act supplementary to an act concerning navigation," to the contrary notwithstanding.

And be it further enacted, That this act shall continue in force to the end of the next session of Congress, and no longer.

WEDNESDAY, May 1.

Trade to Norway.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In the Message to both Houses of Congress, at the commencement of their present session, it was mentioned that the Government of Norway had issued an ordinance for admitting the vessels of the United States and their cargoes into the ports of that Kingdom, upon the payment of no other or higher duties than are paid by Norwegian vessels, of whatever articles the said cargoes may consist, and from whatever ports the vessels laden with them may come.

In communicating this ordinance to the Government of the United States, that of Norway has requested the benefit of a similar and reciprocal provision for the vessels of Norway, and their cargoes, which may enter the ports of the United States.

This provision being within the competency only of the legislative authority of Congress, I communicate to them, herewith, copies of the communications received from the Norwegian Government in relation to the subject, and recommend the same to their consideration.

JAMES MONROE.

WASHINGTON, May 1, 1822.

The Message and documents were read, and referred to the Committee on Foreign Relations.

Vaccination.

The bill from the House of Representatives to repeal the act concerning vaccination was next resumed.

Mr. LLOYD laid before the Senate an explanatory letter from the late vaccine agent, (Dr. Smith,) and moved that the bill with the letter be recommitted; but, after some debate, this motion was lost.

It was then moved to postpone the bill indefinitely; and a debate of considerable duration followed, in which Messrs. MORRILL, MACON, LLOYD, DICKERSON, HOLMES of Maine, EATON, and others took part. This motion was also lost; and then the bill was ordered to a third reading, by the following vote:

YEAS.—Messrs. Barbour, Barton, Benton, Brown of Louisiana, Brown of Ohio, Chandler, Dickerson, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, King of Alabama, King of New York, Lamm, Lloyd, Lowrie, Macon, Pleasants, Rodney, Smith, Stokes, Talbot, Taylor, Thomas, Van Dyke, Walker, Ware, Williams of Mississippi, and Williams of Tennessee—29.

NAYS.—Messrs. Eaton, Edwards, Knight, Morrill, Parrott, and Ruggles—9.

Duties on French Vessels.

The bill in addition to the acts concerning navigation, having been previously read a second time, was taken up in Committee of the Whole.

Mr. KING, of New York, moved the addition of the following section:

SEC. 2. *And be it further enacted*, That, in the event of the signature of any treaty or convention concerning the navigation or commerce between the United States and France, the President of the United States be, and he is hereby authorized, should he deem the same expedient, by proclamation, to suspend, until the end of the next session of Congress, the operation of the act, entitled "An act to impose a new tonnage duty on French ships and vessels, and for other purposes;" and also to suspend, as aforesaid, all other duties on French vessels, or the goods imported in the same, which may exceed the duties on American vessels, and on similar goods imported in the same.

Mr. KING remarked that this section was intended to enable the President of the United States to meet France, in case that Government should, before the next session of Congress, remove the existing commercial difficulties between the two countries, by repealing what was usually termed her "eighteen dollar act." He did not say what probability there was of a removal of these difficulties; he could only say there was a hope, an anxious hope, entertained for their removal—and, should that event happily occur, the section now proposed would enable the President to meet promptly any steps which France might take towards so desirable an end.

MAY, 1822.]

Lead Mine Leases on the Upper Mississippi.

[SENATE.]

The amendment was adopted without objection, and the bill was ordered to be engrossed for a third reading.

United States Militia Fines.

The bill vesting in the respective States the right of the United States to all fines assessed for the non-performance of militia duty during the late war, was taken up in Committee of the Whole. The bill was amended, on motion of Mr. FINDLAY, so as to limit it to the State of Pennsylvania, and after a short discussion, the bill was ordered to be engrossed for a third reading.

While the above bill was under discussion—

Mr. LOWRIE said, that, when he first introduced this bill, he had given an abstract of some of the facts and principles involved in it. At that time he had intended, when the bill came up for consideration, to have given a full and detailed exposition of the whole subject; but, as the session was so near a close, he would limit his remarks as much as justice to the subject would permit.

The United States, said Mr. L., could not have collected these fines but for the assistance of the State. This is a fact to which I wish to call the particular attention of the Senate.

At the time these delinquencies happened, there was no law on this subject but the act of the Congress of 1795. That act provided for the punishment of delinquents by courts-martial, but did not specify how, when, or by whom, such courts-martial should be selected and organized. To every practical purpose, therefore, on this point, the act of Congress was a dead letter, and any individual, with a knowledge of this circumstance, might set at defiance every requisition made for his services in defence of the country.

The principles of law which govern this subject are now, in some measure, settled by the decision of the Supreme Court. The distinction is there laid down and supported, between an order and a requisition. If the Secretary of War, under the authority of the President, issues an order to any officer holding a military commission under the State authority, all fines, arising from delinquencies under that order, belong, of right, to the United States. But if a requisition is made to the Executive of the State, the fines arising from delinquencies belong to the State.

These principles have also received the sanction of the Executive branch of this Government, to an extent sufficient for my present object. During the time my colleague was Governor of Pennsylvania, some doubts were entertained whether the power of remitting these fines was in the President of the United States or the executive of the State. On the 8th January, 1818, in a letter from the Secretary of the Commonwealth, the opinion of the President was requested on this point. To this request the following answer was given:

“DEPARTMENT OF STATE, April 14, 1818.

“SIR: I am directed in answer to your letter of the 8th January last, to state to you, as the opinion of the President, that the power of remitting the fines, in the cases referred to therein, is not vested in him, but in the Governor of the Commonwealth.

“As, in coming to this conclusion, it was necessary to give a particular examination, both of the laws of the United States and the statute of Pennsylvania relating to the subject, and as it was, for some time, expected that a decision of the Supreme Court of the United States, in a case involving the question, might have rendered any further proceedings, on the part of the President, in relation to it, unnecessary, this answer has been, much to his regret, delayed until this time. In communicating it to you, I am further directed to request you would manifest to the Governor of Pennsylvania, the high satisfaction he has taken in remarking the promptitude and efficiency with which the requisition upon the Commonwealth, on the occasion to which these transactions refer, was answered and complied with, and the liberal and patriotic spirit with which the State contributed her support to the defence of the country.

“I have the honor to be, &c.

“JOHN QUINCY ADAMS.”

As the case is now decided, the State acted gratuitously, in placing these fines at the disposition of the General Government. But, it must be recollected, that, at that period, the law was not settled. When the militia law of the State passed, in 1814, I was then in that Legislature. This very provision embarrassed the Legislature; and some of our members of Congress were requested to procure such information as was at Washington, on this subject. But nothing satisfactory was received, and the Legislature of the State was obliged to act from the best lights they had. It will, at least, be admitted, that they took the most patriotic side. It was no part of the policy of that State to discuss principles of right with the Federal Government, when the enemy was at the door. The Legislature, by the act of 1814, supplied the defect in the act of Congress of 1795, and, lest the public service should be injured, they agreed to your unreasonable provision, that the United States should be furnished with the men, and have the fines besides.

WEDNESDAY, MAY 8.

Lead Mine Leases on the Upper Mississippi.

Mr. BENTON, of Missouri, asked leave to submit a resolution, founded upon the Message of the President received last night, covering a report from the Ordnance branch of the War Department, on the subject of lead mine leases in the valley of the Mississippi. He would explain the grounds upon which the resolution would be predicated. The Ordnance report showed, that a set of rules had been adopted for leases of lead mines, in virtue of a supposed power in the act of Congress, of March 8d, 1807. Mr. B. was of opinion that the act did not in fact, nor could not in law, impart such power.

The lead mines were national property, and, as such, it belonged to Congress alone to make rules for their disposition. He referred to the constitution, and contended that Congress could not, if it would, devolve upon others the power which that instrument had given to the representatives of the people alone, to dispose of the national property. The report also showed that two leases (provisionally) for 160 acres each, upon the application of the honorable RICHARD M. JOHNSON, had been made this winter to Messrs. J. Johnson and others, of Kentucky, to be taken where the lessees please, between Lake Michigan and the Mississippi River, to endure for three years, with the right of renewal, free of rent for two years, and paying one-tenth of the ore raised on the third, and a stipulation about paying for improvements. The lease purported to be conditional, but seemed to be in a train of execution. The lessees were authorized forthwith to make their selection and go to work. An officer of artillery (Lieutenant Burdine) had been ordered to meet the lessees at the Great Crossings, in Kentucky, on the first of March, and proceed with them to select the mine. A small detachment of regular troops were to give them support and countenance. Three Indian agents have been directed to hold themselves in readiness to proceed with the lessees, to explain to the Indians the views of the Government in making the leases, and securing the lessees in the uninterrupted prosecution of the work. Mr. B. took two objections to these leases:

1. Disadvantageous to the Republic.
2. Illegal.

First. Disadvantageous, he said, because the mines intended to be covered by the lease were worth an immense sum, and were parted with for a song. The leases would be located on the left bank of the Mississippi, between Ouisconsin and Rock River. Mr. B. showed a table of the Indian trade at St. Louis, in 1816, which exhibited the quantity of 180,000 pounds weight of lead sold by the Indians from these mines, to the fur traders. He referred to Mr. Brackenridge's Views of Louisiana, page 65, to show that, in 1811, the same item amounted to 500,000 pounds weight. At five cents a pound, the average price at St. Louis, the first of these quantities would command \$9,000, and the second \$25,000. Mr. B. said, that the richness of these mines was known to everybody at St. Louis, and if there let out at auction, to the highest bidder, upon due notice, would have commanded an immense sum.

Second. These leases were illegal, because the act of 1807, upon which the lessor relied, was special, and would exclude the present lessees. Mr. B. read the act, and argued that it did not extend to the whole United States, but only to territory ceded by foreign powers, (Louisiana,) or by some State. The mines in question were on the Virginia cession, and would not exclude the lessees upon that limitation. But there was another, which applied to

the persons capable of taking the lease, which would exclude them. The lessor relied upon the proviso to the 2d section, (volume 4, Laws U. S., page 119.) That proviso has relation back to the persons described in the preceding part; and they must be, 1st, persons settled upon a half section of land at the time of the cession; 2d, settled there at the time of the passing of the act, (8d March, 1807;) 3d, and who should apply for the lease before the 1st of January, 1808. To "such applicant," when the half section includes a lead mine, the President may "grant permission to work the same," and cause "such mine" to be leased for a term not exceeding three years.

Mr. B. said, the present lessees were excluded upon all three of these limitations. They were Kentuckians, who never did reside upon the half section, and did not apply for their lease till the winter of 1831-'2. Mr. B. said that Congress had twice shown that they understood the act as he did—in 1816, when they re-enacted this section for one year, and took in the persons then settled, and who should apply before the 1st day of September, 1817; and in 1817, when the same section was continued open for settlers till the 4th day of March, 1818. He said the United States Supreme Court, in the late Territory of Missouri, had decided the same way. He, Mr. B., was counsel for Wilson, and others, sued at the instance of the United States for about \$25,000 of rent for leases under the act of 1807. He demurred for want of power in the lessor, and the plaintiff was amerced, *pro falso clamore suo*. Many leases had been made in Missouri. He never heard of but one who paid, Partenai, a Frenchman, who paid \$2,300 on the first lease, as Mr. B. had been informed.

Mr. B. said, there was another consideration connected with this lease—the illegality and disadvantage of it out of the question—the Indians would appear as a party, under circumstances of powerful appeal to the justice of the American Government. They claim these mines. They are weak—we are strong. They have the possession—we have the words of a treaty. Mr. B. would state the case as fairly as he could for both parties. In 1804 the Sacs and Foxes ceded the country between the Ouisconsin and Rock River (including the mines in question) to the United States; the Chippewas, Ottawas, and Potawatamies, disputed their title. In 1816 a treaty was held with the three latter tribes, and the dispute with the United States was compromised by a division of the disputed tract: a line was agreed upon to run west from the south end of Lake Michigan to the left bank of the Mississippi; the United States taking what was to the south, and the three tribes taking that which was to the north, with the exception of one reserve of three leagues square, to include the fort at Prairie du Chien, and with the reserve of "such other tracts at or near the Ouisconsin and Mississippi, as the President may think proper to re-

May, 1822.]

Lead Mine Leases on the Upper Mississippi.

[SENATE.]

serve; such tracts not exceeding five leagues square." (6 vol. Laws United States, page 810.) The question, as it concerns the Indians, said Mr. B., arises out of the last reserve. The tracts are not designated; it is left to the President. The Indians deny that they intended that the mines should be taken, and have often threatened to kill any white people who should attempt to work them. It is clear that an opposition is now apprehended, for the present lessees are accompanied by a triumvirate of pacificators to quiet the Indians, and a military demonstration to overawe them. Mr. B. thought that the lessees ought to be arrested, if not for the enormous injury done the Republic in the lease, at least for its illegality and severity towards the Indians.

Mr. B. apologized for troubling the Senate at the last moment of the session. He could not do it sooner. The report was only received the night before, and he could not resist a sense of duty which compelled him to lay a resolution on the table. Mr. B. then submitted the following resolution, which was read, and ordered to lie on the table:

Resolved, That the Committee on the Judiciary be instructed to inquire into the legality of the Lead Mine leases made with James Johnson, and others, of Kentucky, communicated to the Senate in the President's Message of May 7th.

Mr. EDWARDS, of Illinois, spoke as follows:

Mr. President: Since the honorable gentleman from Missouri (Mr. BENTON) has thought proper, at this late period of the session, to bring this subject before the Senate, and to submit a resolution, which it is now impossible to act upon, I must be permitted to say that, if the impatience of gentlemen to adjourn did not preclude all hope of commanding attention to a dry, legal investigation, I think I could most satisfactorily demonstrate that the construction which the gentleman has given to the law of 1807, and from which he infers the illegality of the leases referred to in his resolution, is most palpably erroneous.

That his is opposed to the contemporaneous and practical construction which has been given to the law, by all those whose duty it has been to execute it, is plainly to be inferred, even from the fact stated by himself, "that many leases under it had been made in Missouri."

The same construction, however, has uniformly governed in a variety of other cases of the greatest notoriety. That the nation has sanctioned it, is evident, not only from its acquiescence, for the last fifteen years, in all those cases, but from positive acts of legislation in relation to some of them, and particularly to that of the Wabash Saline, in Illinois.

The clause of the law to which the gentleman refers, embraces "salt springs" as well as "lead mines," and the authority to lease the one, with every limitation prescribed, equally applies to the other. The duty of executing this law, until very recently, appertained to the Treasury

Department, the records of which will prove that all the distinguished gentlemen who have presided over that Department, and every President, since the 8d March, 1807, have sanctioned, or exercised the power, now, for the first time, discovered to be a usurpation.

The first lease of the Wabash Saline was executed by Governor Harrison, under the direction of Mr. Gallatin, to Kentuckiana. All the subsequent leases of it were executed by myself, under the direction of the same gentleman, and his successors in office. By his directions, also, I leased a large body of land, including a lead mine, in Illinois, to William Ficklen, of Kentucky. In 1816 or '17, leases were made of a salt spring on Big Muddy River, in Illinois, and of the very mines referred to by the resolution submitted by the honorable gentleman, which were vastly more extensive, and less guarded than those now objected to, and I presume all those leases may be found in the Treasury Department. Other similar instances might be referred to, but, sir, it would be but a useless waste of time to multiply the evidences of the universally received construction and practical exposition that has been uniformly given to this law.

But, Mr. President, said Mr. E., were this a case of the first impression, there is nothing, either in the letter, or intention of the law, to warrant the gentleman's construction. The law is entitled "An act to prevent settlements being made on land ceded to the United States, until authorized by law." Its provisions accord well with its title, some of them containing severe prohibitions against unlawful, and others prescribing the means of obtaining authorized settlements. In the latter it was declared that all persons settled upon public land, at the time of the passage of the act, who should, at any time prior to the first of January following, apply to the Register of the Land Office, &c., for that purpose, should obtain permission to occupy their settlements, as tenants at the will of the Government, upon certain specified conditions, with the exception, however, of all tracts of land, including lead mines, or salt springs. To tracts of this description the power of the Register did not extend. Nor was it intended to secure to the settlers the benefit of any settlements thereon. These tracts were expressly reserved for the disposition of the President of the United States, by a proviso in the following words, viz: "That in all cases where the tract of land applied for includes either a lead mine or salt spring, no permission to work the same shall be granted, without the approbation of the President of the United States, who is hereby authorized to cause such mines or springs to be leased for a term not exceeding three years, and on such conditions as he shall think proper."

The gentleman from Missouri says, "this proviso has relation back to the persons described in the preceding part." It has, indeed, such "relation back" to those persons, so far as to negative and exclude the exclusive claim, on

Executive Proceedings.

their part, for which he contends, and to limit the power of the register. But it has also a relation forward, as a distinct substantive grant of power to the President, to lease all such "mines and salt springs," without any of the limitations imposed upon the register, as to persons, "for the term of three years, on such conditions as he shall think proper."

The provisions in relation to the permission to be granted to the settlers, were to expire, by their own limitation, within a short time. Those settlers could claim no benefit, under the law, after the first day of the next succeeding January. The power to lease the lead mines and salt springs for the term of three years, with the latitude of discretion allowed to the President, contemplated regulations of a permanent character, to be executed as well after as before the first day of January, and must be considered wholly independent of any claims which the intruders upon public land—the violators of a law of the United States—could have upon the Government.

But, though the gentleman admits that those mines are "national property," and complains most bitterly of the immense sacrifice of the public interest, in the two leases of one hundred and sixty acres each, that are the subject of his denunciation; yet, he contends that the President's power of leasing is confined exclusively to the squatters that happen to be on mineral lands. Now, let me ask, would the public interest be better consulted by enforcing such an unreasonable limitation? There is none such annexed to the power granted to the President, and no implication can warrant it; for there is nothing to induce us to believe that those squatters were such favorites that the legislature intended to secure to them the exclusive privilege of leasing, and that, too, without the possibility of competition, the valuable mines which the gentleman has described, and to which every other citizen of the United States had an equal claim.

The gentleman, however, has satisfied himself that Congress has given a legislative construction to the law conformably to his own; for, says he, "Congress had twice shown that they understood the act as he did—in 1816, when they re-enacted this section for one year, and took in the persons then settled, who should apply before the 1st day of September, 1817; and in 1817, when the same section was continued open to the settlers till the 4th day of March, 1818." But here, sir, said Mr. E., the gentleman labors under a great mistake. In neither of these laws is the section referred to re-enacted. They provide temporarily for settlers only, and extend to them all the rights, privileges, or benefits, that had been or were intended to be granted to others in the like situation. The proviso in these laws is in the following words, viz: "That in all cases where the tract of land applied for includes either a lead mine or salt spring, no permission to work the same shall be granted without the approbation of the

President of the United States." But that part of the section, in the law of 1807, which confers upon the President the power of leasing lead mines and salt springs, is not re-enacted, doubtless because it was not intended to be temporary, or to apply exclusively to the settlers, as the gentleman supposes. [Here Mr. EDWARDS, at the suggestion of Mr. KING, of New York, gave way for a motion to lay the resolution on the table.]

Adjournment.

The Senate proceeded to the consideration of the resolution from the House of Representatives, for the appointment of a joint committee to wait on the President of the United States, and notify him that, unless he may have further communications to make to the two Houses of Congress, they are ready to adjourn, and concurred therein. And Mr. KING, of New York, and Mr. MACON, were appointed the committee on the part of the Senate.

Mr. KING, of New York, from the joint committee, reported that they had waited on the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress.

A message was then received from the House of Representatives, notifying the Senate, that the House, having finished the business before them, are about to adjourn.

The Secretary was then directed to inform the House, that the Senate, having finished the business before them, are about to adjourn. Whereupon, the PRESIDENT adjourned the Senate without day.

EXECUTIVE PROCEEDINGS.

Military Organization.

IN SENATE OF THE UNITED STATES,
April, 30, 1822.

Ordered, That the injunction of secrecy be removed from the following proceedings and documents, and that they be printed.

MONDAY, January 22, 1822.

The following written Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I nominate the persons whose names are stated in the enclosed letter from the Secretary of War, for the appointments therein respectively proposed for them.

The changes in the army, growing out of the act of the 2d of March, 1821, "To reduce and fix the Military Peace Establishment of the United States," are exhibited in the official register for the year 1822, herewith submitted for the information of the Senate.

Under the late organization of the artillery arm, with the exception of the colonel of the regiment of light artillery, there were no grades higher than Lieu-

Executive Proceedings.

stant-colonel recognized. Three of the four colonels of artillery provided for by the act of Congress of the 2d of March, 1821, were considered, therefore, as original vacancies, to be filled, as the good of the service might dictate, from the army corps.

The pay department being considered as a part of the Military Establishment, and within the meaning of the above-recited act constituting one of the corps of the army, the then Paymaster General was appointed colonel of one of the regiments. A contrary construction, which would have limited the corps specified in the 12th section of the act to the line of the Army, would equally have excluded all the other branches of the staff, as well as that of the pay department, which was expressly comprehended among those to be reduced. Such a construction did not seem to be authorized by the act, since, by its general terms, it was inferred to have been intended to give a power of sufficient extent to make the reduction, by which so many were to be disbanded, operate with as little inconvenience as possible to the parties. Acting on these views, and on the recommendation of the Board of General Officers, who were called in, on account of their knowledge and experience, to aid the Executive in so delicate a service, I thought it proper to appoint Colonel Towson to one of the new regiments of artillery, it being a corps in which he had eminently distinguished himself, and acquired great knowledge and experience in the late war.

In reconciling conflicting claims, provision for four officers of distinction could only be made, in grades inferior to those which they formerly held. Their names are submitted, with the nomination for the brevet rank of the grades from which they were severally reduced.

It is proper, also, to observe that, as it was found difficult, in executing the act, to retain each officer in the corps to which he belonged, the power of transferring officers from one corps to another was reserved in the general orders published in the register, till the 1st day of January last, in order that, upon vacancies occurring, those who had been put out of their proper corps might, as far as possible, be restored to it. Under this reservation, and in conformity to the power vested in the Executive by the 1st section of the 75th article of the general regulations of the Army, approved by Congress at the last session, on the resignation of Lieutenant-Colonel Mitchell, of the corps of artillery, Lieutenant-Colonel Lindsay, who had belonged to this corps before the late reduction, was transferred back to it, in the same grade. As an additional motive to the transfer, it had the effect of preventing Lieutenant-Colonel Taylor and Major Woolley being reduced to lower grades than those which they held before the reduction, and Captain Cobb from being disbanded under the act. These circumstances were considered as constituting an extraordinary case, within the meaning of the section already referred to of the regulations of the Army. It is, however, submitted to the Senate whether this is a case requiring their confirmation—and, in case such should be their opinion, it is submitted to them for their constitutional confirmation.

JAMES MONROE.

WASHINGTON, January 17, 1822.

FRIDAY, March 8.

On motion, by Mr. BENTON, *Resolved*, That the Committee on Military Affairs be instructed

to make a report to the Senate, showing the number of the Colonels in the Army of the United States on the 2d of March, 1821, their names, dates of commission, and corps. Also, showing the number of Colonels in service under the Peace Establishment of 1821, their names, the highest grade before held by them, the date of that commission, and the corps to which they belonged, if attached to any corps. Also, showing the number of Adjutant and Inspector Generals in service on the said 2d of March, their names, the highest lineal rank previously held by each in the United States Army, and the date of that commission. Also, showing the number of Adjutant and Inspector Generals in service under the Peace Establishment of 1821, their names, the highest lineal rank previously held by them, and the date of commission. Also a list of all transfers and promotions made under or since the said act of March 2, showing the names, grades, dates of commissions, and corps to which each belonged at the time of the transfer or promotion, and the office to which transferred or promoted. Also, showing the highest lineal rank held by Colonel R. Butler in the Army of the United States, at any time before the said 2d of March, the time when, and his rank when he may have quit the line of the Army; and the grade and date of commission of Major William Bradford, at the time aforesaid.

WEDNESDAY, March 18.

Mr. WILLIAMS, of Tennessee, from the Committee on Military Affairs, to whom was referred the Message of the 21st of January nominating to promotions and appointments in the Army, made the following report, which was read :

That Colonel Towson, on the 2d day of March, 1821, was Paymaster General; that he held neither rank nor command in the Army; and, not belonging to any corps of the Army, the President had no power, under the law reducing and fixing the Military Peace Establishment, to arrange him to the command of one of the regiments retained in service by said act.

The committee further report, that Colonel Gadsden, on the 2d of March, 1821, was one of the two Inspector Generals of the Army, both of whom were retained in service by the act reducing the Army; that there were two Adjutant Generals in service, one of whom was retained in service; and the President was not authorized to dismiss both of them, and retain Colonel Gadsden as Adjutant General.

The committee further report, that Colonel Fenwick, on the 2d of March, 1821, was Lieutenant Colonel of the light artillery; that, by appointing him to the command of one of the regiments of artillery, it will disband, as supernumerary, a full colonel, who, by the terms of the law of the 2d March, 1821, was entitled to be retained. The committee, therefore, recommend that the Senate do not advise and consent to the nomination of Colonel Fenwick.

The committee further report, that Generals Macomb and Atkinson, Majors Bradford and Dalliba, are nominated to grades below the rank they for-

Executive Proceedings.

merly held in the Army; that the principle of *raises* was recognized by the Senate on the reduction of the Army, in 1815; and, under the authority of that precedent, the committee recommend that the last four mentioned nominations be confirmed.

Mr. WILLIAMS, from the same committee, pursuant to a resolution of the 8th instant, reported the Army Register of May 17, 1821; which was read.

—

THURSDAY, March 14.

The Senate proceeded to consider the nomination of Nathan Towson to appointment in the Army, as contained in the message of the 21st January, and, after debate, the Senate adjourned.

—

FRIDAY, March 15.

The Senate resumed the consideration of the nomination of Nathan Towson; and, on motion, ordered that it lie on the table.

—

SATURDAY, March 16.

The Senate resumed the consideration of the nomination of Nathan Towson; and, on the question, "Will the Senate advise and consent to this appointment?" it was determined as follows:

YEAS.—Messrs. Barbour, Brown of Louisiana, Brown of Ohio, Eaton, Edwards, Findlay, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Knight, Lanman, Mills, Otis, Parrott, Southard, Stokes, and Talbot—19.

NAYS.—Messrs. Barton, Benton, Boardman, Chandler, D'Wolf, Dickerson, Elliott, Gaillard, Holmes of Maine, Lloyd, Lowrie, Macon, Morrill, Palmer, Pleasants, Ruggles, Seymour, Smith, Taylor, Thomas, Van Dyke, Walker, Ware, Williams of Mississippi, and Williams of Tennessee—25.

So it was resolved, that the Senate do *not* advise and consent to the appointment of Nathan Towson, to be Colonel of the second regiment of artillery.

—

MONDAY, March 18.

The Senate proceeded to consider the nomination of James Gadsden to be Adjutant General, contained in the message of the 21st January; and, after debate, the Senate adjourned.

—

THURSDAY, March 21.

The Senate resumed the consideration of the nomination of James Gadsden to be Adjutant General, contained in the Message of the 21st January; and on the question, "Will the Senate advise and consent to this appointment?" it was determined as follows:

YEAS.—Messrs. Barbour, Brown of Louisiana, Brown of Ohio, Eaton, Edwards, Findlay, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisi-

ana, King of Alabama, King of New York, Knight, Lanman, Mills, Otis, Parrott, Southard, Stokes, and Williams of Mississippi—19.

NAYS.—Messrs. Barton, Benton, Boardman, Chandler, D'Wolf, Dickerson, Gaillard, Holmes of Maine, Macon, Morrill, Noble, Palmer, Pleasants, Seymour, Smith, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, and Williams of Tennessee—23.

So it was resolved, that the Senate do *not* advise and consent to the appointment of James Gadsden to be Adjutant General.

The Senate proceeded to consider the nomination of Alexander Macomb, to be Colonel of the Corps of Engineers, contained in the last-mentioned message; and, on motion, by Mr. SMITH, ordered, that the question, "Will the Senate advise and consent to this appointment?" be taken by yeas and nays.

On motion, ordered, that the nomination lie on the table.

—

FRIDAY, March 22.

The Senate resumed the consideration of the nominations to promotions and appointments in the Army, as contained in the message of the 21st January, and not before acted on.

On the question, "Will the Senate advise and consent to the appointment of Alexander Macomb to be Colonel of Engineers, with the brevet rank of Brigadier General?"

A division of the question was called for, and the vote was taken on the first member thereof, which was determined as follows:

YEAS.—Messrs. Barbour, Boardman, Brown of Louisiana, Brown of Ohio, Dickerson, Eaton, Elliott, Findlay, Holmes of Mississippi, Johnson of Kentucky, King of Alabama, King of New York, Knight, Lanman, Macon, Mills, Morrill, Parrott, Pleasants, Southard, Stokes, Talbot, Van Buren, Van Dyke, Walker, and Williams of Tennessee—26.

NAYS.—Messrs. Barton, Benton, Chandler, D'Wolf, Gaillard, Holmes of Maine, Noble, Palmer, Ruggles, Seymour, Smith, Taylor, Thomas, and Ware—14.

The vote was taken on the second member of the said question, as follows:

YEAS.—Messrs. Barbour, Barton, Brown of Louisiana, Eaton, Edwards, Elliott, Findlay, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Lanman, Macon, Mills, Morrill, Otis, Parrott, Pleasants, Seymour, Southard, Stokes, Talbot, Van Buren, Van Dyke, Walker, Ware, and Williams of Tennessee—28.

NAYS.—Messrs. Benton, Boardman, Brown of Ohio, Chandler, D'Wolf, Dickerson, Gaillard, Holmes of Maine, Knight, Noble, Palmer, Ruggles, Smith, Taylor, and Thomas—15.

So it was resolved, that the Senate do advise and consent to the appointment of Alexander Macomb, agreeable to the nomination.

On the question, "Will the Senate advise and consent to the appointment of Henry Atkinson, to be Colonel of the sixth regiment

Executive Proceedings.

of infantry, with the brevet rank of Brigadier General?"

A division of the question was called for, and the vote was taken on the first member thereof, and determined as follows:

YEAS.—Messrs. Barbour, Boardman, Brown of Louisiana, Brown of Ohio, Dickerson, Eaton, Edwards, Elliott, Findlay, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Knight, Lanman, Macon, Mills, Morrill, Otis, Parrott, Pleasants, Southard, Stokes, Talbot, Van Buren, Van Dyke, Walker, and Williams of Tennessee—23.

NAYS.—Messrs. Barton, Benton, Chandler, D'Wolf, Gaillard, Holmes of Maine, Noble, Palmer, Ruggles, Seymour, Smith, Taylor, Thomas, and Ware—14.

And the second member of the question having been agreed to, it was resolved, that the Senate do advise and consent to the appointment of Henry Atkinson, agreeably to the nomination.

The Senate then proceeded to consider, separately, the nominations contained in said message, which had not been finally acted on; and, resolved, that they do advise and consent to the said appointments agreeably to the nominations, respectively, with the exception of Samuel B. Archer, Daniel Parker, J. R. Fenwick, and William Bradford; which were, on motion, ordered to be postponed to Tuesday next.

On motion, by Mr. SMITH, to reconsider the vote of yesterday on the nomination of James Gadsden, it was determined as follows:

YEAS.—Messrs. Barbour, Brown of Louisiana, Brown of Ohio, Chandler, Eaton, Edwards, Elliott, Findlay, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Knight, Lanman, Mills, Noble, Otis, Parrott, Smith, Southard, Stokes, Williams of Mississippi—23.

NAYS.—Messrs. Barton, Benton, Boardman, D'Wolf, Dickerson, Gaillard, Holmes of Maine, Macon, Morrill, Palmer, Pleasants, Ruggles, Seymour, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, and Williamson of Tennessee—21.

On the question, "Will the Senate advise and consent to the appointment of James Gadsden to be Adjutant General?" it was determined as follows:

YEAS.—Messrs. Barbour, Brown of Louisiana, Brown of Ohio, Eaton, Edwards, Elliott, Findlay, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, King of New York, Knight, Lanman, Mills, Otis, Parrott, Smith, Southard, Stokes, Williams of Mississippi—21.

NAYS.—Messrs. Barton, Benton, Boardman, Chandler, D'Wolf, Dickerson, Gaillard, Holmes of Maine, Macon, Morrill, Noble, Palmer, Pleasants, Ruggles, Seymour, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, Williams of Tennessee—13.

So it was *Resolved*, That the Senate do not advise and consent to the appointment of James Gadsden, to be Adjutant General.

On motion, by Mr. BENTON,

Resolved, That the Committee on Military Affairs inquire into the facts, and inform the

Senate, whether Colonel Robert Butler has resigned, or refused to accept the place of Colonel or Lieutenant Colonel in the Military Peace Establishment of the United States, and whether his resignation has been accepted.

TUESDAY, March 26.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

Having executed the act, entitled "An act to reduce and fix the Military Peace Establishment of the United States," on great consideration, and according to my best judgment; and, inferring from the rejection of the nomination of Colonel Towson and Colonel Gadsden, officers of very distinguished merit, that the view which I took of that law, has not been well understood, I hereby withdraw all the nominations on which the Senate has not decided, until I can make a more full communication and explanation of that view, and of the principles on which I have acted, in the discharge of that very delicate and important duty.

JAMES MONROE:

WASHINGTON, March 26, 1822.

The Message was read.

FRIDAY, April 12.

The following Message, from the PRESIDENT OF THE UNITED STATES, was received:

[After an argument in justification of the manner in which the act reducing the army had been executed, and giving his reasons for renominating the rejected officers, the President makes the renominations.]

To the Senate of the United States:

I renominate Nathan Towson, to be Colonel of the 2d regiment of artillery.

James Gadsden, to be Adjutant General of the Army of the United States.

JAMES MONROE.

WASHINGTON, April 12, 1822.

The Message was read, and, on motion, ordered, that it be referred to the Committee on Military Affairs, to consider and report thereon; and that it be printed for the use of the Senate, under an injunction of secrecy.

On motion, *Ordered*, That the Message of the 21st January last, nominating to promotions and appointments in the Army, be recommitted to the Committee on Military Affairs, further to consider and report thereon, and that it be reprinted for the use of the Senate, under an injunction of secrecy.

On motion, *Ordered*, That the Message of the 26th March, withdrawing certain nominations to appointments in the Army, be referred to the Committee on Military Affairs, to consider and report thereon, and that it be printed for the use of the Senate, under an injunction of secrecy.

Executive Proceedings.

MONDAY, April 29.

The Senate proceeded to consider the message of the 12th of April, nominating Nathan Towson and James Gadsden to military appointments, together with the report of the Military Committee thereupon.

On the question, "Will the Senate advise and consent to the appointment of Nathan Towson to be Colonel of the second regiment of artillery?" it was determined in the negative—yeas 17, nays 25, as follows:

YEAS.—Messrs. Barbour, Brown of Louisiana, Brown of Ohio, Eaton, Edwards, Findlay, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Knight, Lanman, Parrott, Rodney, Southard, Stokes, and Talbot.

NAYS.—Messrs. Barton, Benton, Chandler, Dickerson, Gaillard, Holmes of Maine, King of New York, Lloyd, Lowrie, Macon, Morrill, Noble, Palmer, Pleasants, Ruggles, Seymour, Smith, Taylor, Thomas,

Van Buren, Van Dyke, Walker, Ware, Williams of Mississippi, and Williams of Tennessee.

On the question, "Will the Senate advise and consent to the appointment of James Gadsden to be Adjutant General?" it was determined in the negative—yeas 17, nays 25, as follows:

YEAS.—Messrs. Barbour, Brown of Louisiana, Brown of Ohio, Eaton, Edwards, Findlay, Holmes of Mississippi, Johnson of Kentucky, Johnson of Louisiana, King of Alabama, Knight, Lanman, Parrott, Rodney, Southard, Stokes, and Williams of Mississippi.

NAYS.—Messrs. Barton, Benton, Chandler, Dickerson, Gaillard, Holmes of Maine, King of New York, Lloyd, Lowrie, Macon, Morrill, Noble, Palmer, Pleasants, Ruggles, Seymour, Smith, Talbot, Taylor, Thomas, Van Buren, Van Dyke, Walker, Ware, and Williams of Tennessee.

So it was resolved, that the Senate do not advise and consent to the appointment of Nathan Towson and James Gadsden.

DECEMBER, 1821.]

Proceedings.

[H. OF R.]

SEVENTEENTH CONGRESS.—FIRST SESSION.

PROCEEDINGS AND DEBATES

IN

THE HOUSE OF REPRESENTATIVES.*

MONDAY, December 3, 1821.

At 12 o'clock, the Clerk of the House of Representatives, Mr. THOMAS DOUGHERTY, took his place, and called the roll of the members, pursuant to usage. Whereupon, the following gentlemen answered to their names:

From New Hampshire—Josiah Butler, Matthew Harvey, William Plumer, jr., Nathaniel Upham, and Thomas Whipple, jr.

* LIST OF REPRESENTATIVES.

Maine.—Joshua Cushman, Joseph Dane, Ebenezer Herrick, Mark L. Hill, Enoch Lincoln, Ezekiel Whitman, William D. Williamson.

New Hampshire.—Josiah Butler, Matthew Harvey, William Plumer, jr., Nathaniel Upham, Aaron Watson, Thomas Whipple, jr.

Massachusetts.—Samuel C. Allen, Gideon Barstow, Francis Baylies, Lewis Bigelow, Henry W. Dwight, William Eustis, Timothy Fuller, Benjamin Gorham, Aaron Hobart, Jeremiah Nelson, John Reed, Jonathan Russell.

Rhode Island.—Job Durfee, Samuel Eddy.

Connecticut.—Noyes Barber, Daniel Burrows, Henry W. Edwards, Gideon Tomlinson, John Russ, Ansel Sterling, Ebenezer Stoddard.

Vermont.—Samuel C. Crafts, Elias Keys, Rollin C. Mallory, John Mattocks, Charles Rich, Phineas White.

New York.—Charles Borland, jr., Churchill C. Cambreleng, Samuel Campbell, Cadwallader D. Colden, Alfred Conkling, John D. Dickinson, John Gebhard, John Hawks, Thomas H. Hubbard, Joseph Kirkland, Elijah Litchfield, Richard McCarty, John I. Morgan, Walter Patterson, Jeremiah H. Pierson, Nathaniel Pitcher, Solomon Van Rensselaer, William R. Rochester, Charles H. Ruggles, Peter Sharpe, Elijah Spencer, John W. Taylor, Albert H. Tracy, Reuben E. Walworth, Silas Wood, David Woodcock, William W. Van Wyck.

New Jersey.—Ephraim Bateman, George Cassedy, Lewis Condict, George Holcombe, James Matlack, Samuel Swan.

Pennsylvania.—Henry Baldwin, John Brown, James Buchanan, William Darlington, George Denison, Samuel Edwards, Patrick Farrelly, Samuel Gross, Joseph Hemphill, Thomas G. McCulloh, James McSherry, William Miller, James S. Mitchell, Samuel Moore, Thomas Murray, Thomas Patterson, John Phillips, George Plumer, Thomas J. Rogers, John Sergeant, Andrew Stewart, John Tod, Ludwig Worman.

Delaware.—Louis McLane, Cesar A. Rodney.

From Massachusetts—Samuel C. Allen, Gideon Barstow, Francis Baylies, Lewis Bigelow, Henry W. Dwight, William Eustis, Timothy Fuller, Benjamin Gorham, Aaron Hobart, Jeremiah Nelson, John Reed, and Jonathan Russell.

From Rhode Island—Job Durfee, Samuel Eddy.

From Connecticut—Noyes Barber, Daniel Burrows, Henry W. Edwards, and Gideon Tomlinson.

From Vermont—Samuel C. Crafts, Elias Keys, Rollin C. Mallory, John Mattocks, Charles Rich, and Phineas White.

Maryland.—Thomas Bayly, Jeremiah Causden, Joseph Kent, Peter Little, Raphael Neale, John Nelson, Samuel Smith, Henry R. Warfield, Robert Wright.

Virginia.—Mark Alexander, William S. Archer, William Lee Ball, Philip P. Barbour, Burwell Bassett, John Floyd, Robert S. Garnett, Edward B. Jackson, James Jones, Jabez Leftwich, William McCoy, Charles F. Mercer, Thomas L. Moore, Hugh Nelson, Thomas Newton, John Randolph, Arthur Smith, William Smith, Alexander Smyth, Andrew Stevenson, Thomas Van Swearingen, George Tucker, Jared Williams.

North Carolina.—Hutchings G. Burton, William S. Blackledge, Henry Conner, Josiah Crudup, Weldon N. Edwards, Thomas H. Hall, Charles Hooks, John Long, Archibald McNeill, Romulus M. Saunders, Lemuel Sawyer, Felix Walker, Lewis Williams.

South Carolina.—James Blair, Joseph Gist, William Lowndes, George McDuffee, Thomas R. Mitchell, James Overstreet, Joel R. Poinsett, Starling Tucker, John Wilson.

Georgia.—Joel Abbot, Alfred Cuthbert, George R. Gilmer, Robert Raymond Beld, Edward F. Tatnall, Wiley Thompson.

Kentucky.—James D. Breckenridge, Benjamin Hardin, Francis Johnson, John T. Johnson, Thomas Metcalfe, Thomas Montgomery, Anthony New, George Robertson, John Speed Smith, David Trimble, Samuel H. Woodson.

Tennessee.—Robert Allen, Henry H. Bryan, Newton Cannon, John Cocke, Francis Jones, John Rhea.

Ohio.—Levi Barber, John W. Campbell, David Chambers, Thomas R. Ross, John Sloane, Joseph Vance.

Louisiana.—Josiah Stoddard Johnston.

Indiana.—William Hendricks.

Mississippi.—Christopher Rankin.

Illinois.—Daniel P. Cook.

Alabama.—Gabriel Moore.

Missouri.—John Scott.

Michigan Territory.—Solomon Sibley, *Delegate*.

Arkansas Territory.—James Woodson Bates, *Delegate*.

From New York—Charles Borland, jr., Churchill C. Cambreleng, Samuel Campbell, Alfred Conkling, John D. Dickinson, John Gebhard, James Hawks, Thomas H. Hubbard, Joseph Kirkland, Elijah Litchfield, Richard McCarty, John J. Morgan, Walter Patterson, Jeremiah H. Pierson, Nathaniel Pitcher, William B. Rochester, Elijah Spencer, John W. Taylor, Albert H. Tracy, Solomon Van Rensselaer, William W. Van Wyck, Reuben H. Walworth, Silas Wood, and David Woodcock.

From New Jersey—Ephraim Bateman, George Cassey, Lewis Condict, George Holcombe, James Matlack, and Samuel Swan.

From Pennsylvania—Henry Baldwin, John Brown, James Buchanan, William Darlington, George Denison, Patrick Farrelly, Samuel Gross, Joseph Hemphill, James McSherry, William Milnor, James S. Mitchell, Samuel Moore, Thomas Murray, Thos. Patterson, John Philips, George Plumer, Thos. J. Rogers, John Sergeant, John Tod, and Ludwig Worman.

From Delaware—Louis McLane, and Caesar A. Rodney.

From Maryland—Jeremiah Causden, Joseph Kent, Peter Little, John Nelson, Samuel Smith, Henry R. Warfield, and Robert Wright.

From Virginia—Mark Alexander, William S. Archer, William L. Ball, Philip P. Barbour, Burwell Bassett, John Floyd, Robert S. Garnett, Jabez Leitch, William McCoy, Charles F. Mercer, Thomas L. Moore, Hugh Nelson, Thomas Newton, Arthur Smith, William Smith, Alexander Smyth, Andrew Stevenson, George Tucker, and Jared Williams.

From North Carolina—Hutchings G. Burton, Henry Conner, Josiah Crudup, Weldon N. Edwards, Charles Hooks, John Long, Archibald McNeill, Romulus M. Saunders, Lemuel Sawyer, and Lewis Williams.

From South Carolina—James Blair, Joseph Gist, Geo. McDuffee, Thos. R. Mitchell, James Overstreet, Joel R. Poinsett, Starling Tucker, and John Wilson.

From Georgia—Joel Abbot, George R. Gilmer, Edward F. Tatnall, and Wiley Thompson.

From Kentucky—Benjamin Hardin, Francis Johnson, John T. Johnson, Thomas Metcalfe, Thomas Montgomery, Anthony New, John Speed Smith, David Trimble, and Samuel H. Woodson.

From Tennessee—Robert Allen, Newton Cannon, John Cocke, Francis Jones, and John Rhea.

From Ohio—Levi Barber, John W. Campbell, David Chambers, Thomas R. Ross, and Joseph Vance.

From Louisiana—Josiah Stoddard Johnston,

From Indiana—William Hendricks.

From Mississippi—Christopher Rankin.

From Illinois—Daniel P. Cook.

From Alabama—Gabriel Moore.

From Maine—Joshua Cushman, Joseph Dane, Ebenezer Herrick, Mark L. Hill, and Enoch Lincoln.

From Missouri—John Scott.

From Michigan Territory—Solomon Sibley, Delegate.

A large majority of the members being present, the Clerk pronounced that a quorum was assembled for the transaction of business.

Balloting for Speaker.

On motion, the House then proceeded to the choice of a SPEAKER.

Messrs. NEWTON, of Virginia, and NELSON, of Massachusetts, were appointed tellers, who declared the vote on the first ballot to stand as follows: Whole number of votes 161; necessary to a choice 81.

[The House balloted seven times without making a choice, and adjourned. Mr. Philip P. Barbour, of Virginia, and Mr. John W. Taylor, of New York, receiving the highest number of votes.]

TUESDAY, December 2.

Several other members, to wit: from Massachusetts, SAMUEL LATHROP; from Pennsylvania, ANDREW STEWART; from Maryland, RAPHAEL NEALE; from Virginia, THOMAS VAN SWEARINGEN and EDWARD B. JACKSON; from Ohio, JOHN SLOAN; and from Maine, EZEKIEL WHITMAN, appeared, and took their seats.

Election of Speaker.

The House then resumed the business of yesterday, by proceeding to an eighth ballot for the choice of a Speaker, when the following result was declared: Whole number of votes 173. Necessary to a choice 87.

[Four ballotings were had without a choice.]

The twelfth ballot resulted as follows: Whole number of votes 172. Necessary to a choice 87. Of the whole number, there were—

For P. P. Barbour	-	-	-	-	88
J. W. Taylor	-	-	-	-	67
H. Baldwin	-	-	-	-	6
S. Smith	-	-	-	-	4
C. A. Rodney	-	-	-	-	3
Scattering	-	-	-	-	4

This result having been reported by the Tellers, the Clerk pronounced, accordingly, that PHILIP P. BARBOUR, one of the Representatives of the State of Virginia, having received a majority of the whole number of votes, was duly elected Speaker of this House.

MR. BARBOUR was conducted to the Chair, accordingly, by MR. NELSON, of Virginia, and MR. WARFIELD, of Maryland, and the Oath of Office was administered to him by MR. WRIGHT, of Maryland.

MR. SPEAKER then rose and addressed the House as follows:

Gentlemen of the House of Representatives:

I should do injustice to myself, if I did not express to you the warm feelings of gratitude which have been excited in my bosom by the appointment which you have just conferred upon me. Those feelings are produced, not only by the consideration that this mark of your confidence is a distinguished one, but by the further consideration that it is unexpected as it is distinguished. In accepting the office to which you have thus called me, I speak in the most perfect sincerity of my heart when I assure you that I feel a fearful apprehension in relation to my ability to discharge its duties in a manner equal either to my own wishes or your expectations. I am sensible of the arduousness of the task; I am sensible, too, of my own want of experience. One thing, however, I can with safety promise: it is, that whatever can be done by diligent attention, and by an unceasing application of such capacity as I possess, shall be done. As it respects myself, the only hope which I entertain that I shall, in any tolerable degree, acquit myself of the responsibility which I am about to assume,

DECEMBER, 1821.]

Duty on Books—Petition from Mr. Jefferson.

[H. OF R.]

rests upon a consciousness, that it will be my constant endeavor so to do; but my great reliance is on the support of this House, and its knowledge that the preservation of order is indispensably necessary to give dignity to the proceedings of any deliberative body.

After which, the SPEAKER administered to the members present, severally, the oath to support the Constitution of the United States.

Clerk and Doorkeeper.

Mr. WOOD, of New York, moved to dispense with the form of choosing a clerk by ballot, and appoint that officer by motion.—Carried.

Mr. WRIGHT, of Maryland, moved that Thomas Dougherty be appointed to the office of Clerk of the House of Representatives; and the motion was thereupon agreed to *nem. con.*, and Mr. Dougherty was sworn into office accordingly.

Mr. WRIGHT moved that the Clerk be directed to communicate the usual message to the Senate.—Carried.

On motion of Mr. WRIGHT, the form of voting by ballot was dispensed with in regard to the office of Sergeant-at-Arms, and Thomas Dunn appointed to that office on nomination.

The same course prevailed in relation to the appointment of Doorkeeper, and Benjamin Burch was thereupon appointed.

WEDNESDAY, December 5.

A message from the Senate informed the House that the Senate have assembled, and are ready to proceed to business. They have passed a resolution for the appointment of a committee on their part, to join such committee as may be appointed on the part of this House, to wait on the President of the United States, and inform him that a quorum of the two Houses have assembled, and are ready to receive any communications he may be pleased to make to them; in which resolution they request the concurrence of this House.

The resolution was read and concurred in by the House; and Mr. HILL and Mr. TREMBLE were appointed of the said committee on the part of the House.

THURSDAY, December 6.

JAMES WOODSON BATES appeared, produced his credentials, was qualified, and took his seat, as the delegate from the Territory of Arkansas.

MONDAY, December 10.

Another member, to wit, from North Carolina, WILLIAM S. BLACKLEDGE, appeared, was qualified, and took his seat.

Duty on Books—Petition from Mr. Jefferson as Rector of the Virginia University.

Mr. NELSON, of Virginia, presented a petition of the Rector and visitors of the University of Virginia, signed by Thomas Jefferson, Rector,

praying that the aid and patronage of Congress may be extended to the cause of science and literature generally, throughout the United States, by an exemption from duties of all books and other articles generally used in acquiring information. Referred to the Committee of Ways and Means.

The memorial is as follows:

To the Senate and House of Representatives of the United States of America, in Congress assembled:

The petition of the rector and visitors of the University of Virginia, on behalf of those for whom they are in the office of preparing the means of instruction, as well as of others seeking it elsewhere, respectfully representeth:

That the Commonwealth of Virginia has thought proper lately to establish a university for instruction, generally, in all the useful branches of science, of which your petitioners are appointed rector and visitors, and as such, are charged with attention to the interests of those who shall be committed to their care.

That they observe, by the tariff of duties imposed by the laws of Congress on importations into the United States, an article peculiarly inauspicious to the objects of their own, and of all other literary institutions throughout the United States.

That at an early period of the present Government, when our country was burdened with a heavy debt, contracted in the war of Independence, and its resources for revenue were untried and uncertain, the National Legislature thought it as yet inexpedient to indulge in scruples as to the subjects of taxation, and, among others, imposed a duty on books imported from abroad, which has been continued, and now is, of fifteen per cent. on their prime cost, raised by ordinary custom-house charges to eighteen per cent., and by the importer's profits to perhaps twenty-five per cent., and more.

That, after many years' experience, it is certainly found that the reprinting of books in the United States is confined chiefly to those in our native language, and of popular characters, and to cheap editions of a few of the classics for the use of schools; while the valuable editions of the classical authors, even learned works in the English language, and books in all foreign living languages, (vehicles of the important discoveries and improvements in science and the arts, which are daily advancing the interest and happiness of other nations,) are unprinted here, and unobtainable from abroad but under the burden of a heavy duty.

That of many important books, in different branches of science, it is believed that there is not a single copy in the United States; of others, but a few; and these too distant and difficult of access for students and writers generally.

That the difficulty resulting from this mode of procuring books of the first order in the sciences, and in foreign languages, ancient and modern, is an unfair impediment to the American student, who, for want of these aids, already possessed or easily procurable in all countries except our own, enters on his course with very unequal means, with wants unknown to his foreign competitors, and often with that imperfect result which subjects us to reproaches not unfelt by minds alive to the honor and mortified sensibilities of their country.

That, to obstruct the acquisition of books from

abroad, as an encouragement of the progress of literature at home, is burying the fountain to increase the flow of its waters.

That books, and especially those of the rare and valuable character, thus burdened, are not articles of consumption, but of permanent preservation and value, lasting often as many centuries as the houses we live in, of which examples are to be found in every library of note.

That books, therefore, are capital, often the only capital of professional men on their outset in life, and of students destined for professions, (as most of our scholars are,) and barely able, too, for the most part, to meet the expenses of tuition, and less to pay an extra tax on the books necessary for their instruction; that they are consequently less instructed than they would be; and that our citizens at large do not derive from their employment all the benefits which higher qualifications would procure them.

That this is the only form of capital on which a tax of from 18 to 25 per cent. is first levied on the gross, and the proprietor then subject to all other taxes in detail, as those holding capitals in other forms, on which no such extra tax has been previously levied.

That it is true that no duty is required on books imported for seminaries of learning; but these, locked up in libraries, can be of no avail to the practical man, when he wishes a recurrence to them for the uses of life.

That more than thirty years' experience of the resources of our country prove them equal to all its debts and wants, and permit its Legislature now to favor such objects as the public interests recommend to favor.

That the value of science to a republican people; the security it gives to liberty, by enlightening the minds of its citizens; the protection it affords against foreign power; the virtues it inculcates; the just emulation of the distinction it confers on nations foremost in it; in short, its identification with power, morals, order, and happiness, (which merits to it premiums of encouragement rather than repressive taxes,) are topics which your petitioners do not permit themselves to urge on the wisdom of Congress, before whose mind these considerations are always present, and bearing with their just weight.

And they conclude, therefore, with praying that Congress will be pleased to bestow on this important subject the attention it merits, and give the proper relief to the candidates of science among ourselves, devoting themselves to the laudable object of qualifying themselves to become the instructors and benefactors of their fellow-citizens.

And your petitioners, as in duty bound, shall ever pray, &c.

THOMAS JEFFERSON,

Rector of the University of Virginia.

NOVEMBER 30, 1821.

Chaplain to the House.

On motion of Mr. BATEMAN, the House then proceeded to the election of a chaplain, and the following gentlemen were nominated, viz:

Rev. Jared Sparks, Rev. Maurice W. Dwight, Rev. Burgess Allison, Rev. John M. Bradford, Rev. Reuben Post, Rev. John Chalmers.

The fourth ballot terminated as follows: Whole number of votes, 155. Necessary to a choice, 78. Of which there were—

For Rev. Mr. Sparks	-	-	-	-	84
Allison	-	-	-	-	53
Dwight	-	-	-	-	18
Blank	-	-	-	-	1

Whereupon it was declared that the Reverend JARED SPARKS was chosen Chaplain to Congress on the part of the House of Representatives.

TUESDAY, December 11.

Another member, to wit, from Georgia, ROBERT RAYMOND REID, appeared, produced his credentials, was qualified, and took his seat.

Affairs in Florida—General Jackson (Governor) and Elegius Fromentin, Judge.

Mr. WHITMAN submitted the following resolutions, viz:

Resolved, That the Secretary of State be directed to lay before this House copies of any communications received at his office, having relation to any misunderstanding which may have existed between Andrew Jackson, as Governor of the Florida, and Elegius Fromentin, as judge of the court therein. And also, in relation to any delay or omission on the part of the officers under His Catholic Majesty to surrender to the officers and commissioners of the United States, duly authorized to receive the same, any of the archives and documents which relate directly to the property and sovereignty in and over the said Floridas. And also, in relation to the means adopted by the officers and commissioners on the part of the United States to obtain possession of such archives and documents.

The resolutions were ordered to lie on the table until to-morrow.

WEDNESDAY, December 12.

Annual Treasury Report.

The SPEAKER announced the receipt of the Annual Report of the Secretary of the Treasury; which, on motion of Mr. TAYLOR, was referred to the Committee of Ways and Means; and, on motion of Mr. MALLARY, 5,000 copies thereof were ordered to be printed. The report is as follows:

TREASURY DEPARTMENT, Dec. 10, 1821.

Sir: I have the honor to transmit a report prepared in obedience to the "Act supplementary to the act to establish the Treasury Department."

I have, &c.,

WM. H. CRAWFORD.

Hon. PHILIP P. BARBOUR,

Speaker, House of Representatives.

REPORT.

In obedience to the directions of the "Act supplementary to the act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report:

1. *Of the revenue.*

The net revenue arising from imports and tonnage, internal duties, direct tax, public lands, postage, and other incidental receipts, during the year 1818, amounted to - - - \$26,095,200 65

DECEMBER, 1821.]

Annual Treasury Report.

[H. OF R.]

Viz:
 Customs - \$21,828,451 48
 Arrears of internal duties - 947,946 33
 Arrears of direct tax - 268,926 01
 Public lands exclusive of Mississippi stock - 2,464,527 90
 Dividend on stock in the Bank of the United States - 525,000 00
 Postage and other incidental receipts - 65,848 98

That which accrued from the same sources, during the year 1819, amounted to - - - \$21,435,700 69

Viz:
 Customs - 17,116,702 96
 Arrears of internal duties - 227,444 01
 Arrears of direct tax - 80,850 61
 Public lands, exclusive of Mississippi stock - 3,274,422 78
 First instalment from the Bank of the United States, and dividend on stock in that bank - 675,000 00
 Postage and other incidental receipts - 61,280 33
 And that which accrued from the same sources, during the year 1820, amounted to - - - \$15,284,546 29

Viz:
 Customs - 12,449,566 15
 Arrears of internal duties - 104,172 07
 Arrears of direct tax - 81,286 82
 Public lands, exclusive of Mississippi stock - 1,635,871 61
 Second and third instalments from the Bank of the United States - 1,000,000 00
 Postage and other incidental receipts - 63,659 64

It is estimated that the gross amount of duties on merchandise and tonnage, which accrued during the first three quarters of the present year, exceeds \$14,088,000.

The payments into the Treasury, to the 30th September last, have amounted to - - - \$16,219,197 70

Viz:
 Customs - 10,068,394 85
 Public lands - 940,980 85
 Arrears of internal duties and direct tax - 69,867 26
 Bank dividends - 105,000 00
 Incidental receipts - 21,581 51
 Repayments - 13,378 78
 Loan - 5,000,000 00

And the payments into the Treasury, during the fourth quarter, are estimated at - - - 3,595,278 14

Viz:
 Customs - 3,000,000 00
 Public lands - 860,000 00
 Moneys recovered out of advances made in the War Department before the 1st of July, 1815 - 120,000 00
 Balances of military appropriations carried to the account of the surplus fund - 90,278 14
 Direct tax and internal duties, and incidental receipts - 25,000 00

Making the total amount estimated to be received into the Treasury during the year 1821 - 19,814,475 84
 Which, added to the balance in the Treasury on the first of January last, of - - - 1,198,461 21

Make the aggregate amount of \$21,012,937 05

The application of this sum for the year 1821, is estimated as follows, viz:

The payments to the 30th of September have amounted to - - - \$15,655,288 47
 Civil, diplomatic, & miscellaneous - 1,772,717 30
 Military service, including fortifications, ordnance, Indian departm't, Revolutionary and military pensions, arming the militia, and arrearages prior to the 1st of January, 1817 - 4,872,865 78
 Naval service, including the gradual increase of the Navy - 2,603,592 75
 Public debt, including \$591,611 30 of Mississippi st'k - 6,406,112 64

During the fourth quarter it is estimated that the payments will amount to - - - 3,580,000 00

Viz:
 Civil, diplomatic, & miscellaneous - 690,000 00
 Military service - 290,000 00
 Naval service - 700,000 00
 Public debt - 1,900,000 00

Making the aggregate amount of 19,235 288 47
 Which, being deducted from the above sum of \$21,012,937 05, will leave in the Treasury, on the 1st day of January next, a balance estimated at - - - \$1,777,648 58

But, of the balances of appropriations for the service of the year 1821, necessary to effect the object of those appropriations, exclusive of balances, which

H. OF R.]

Death of Mr. Trimble.

[DECEMBER, 1821.]

will not be required, and which have been deducted from the estimates of the year 1822, or will be carried to the account of the surplus fund, there remains the sum of \$2,268,611 28, which is an existing charge upon the revenue of 1821, and exceeds the balance estimated to be in the Treasury on the 1st day of January next, by \$490,962 70.

2. Of the public debt.

The funded debt which was contracted before the year 1812, and which was unredeemed on the 30th of September, 1820, amounted to \$20,570,627 12

And that contracted subsequently to the 1st of January, 1812, and unredeemed on the 30th of September, 1820, amounted to - - - 70,654,938 65

Making the aggregate amount of - 91,225,560 77

Which sum agrees with the amount stated in the last annual report as unredeemed on the 1st of October, 1820, excepting the sum of \$38 66, which was then short estimated, and which has been since corrected by actual settlement.

In the fourth quarter of the year, there was added to the above, the sum of - - - 457,747 95

Viz:

In 6 and 7 per cent. stocks, for Treasury notes brought into the Treasury, and cancelled - \$3,280 29

In 5 per cent. stock, under the act of May 15, 1820 - 454,567 66

Making - - - 91,683,308 73

And there was paid in the fourth quarter the sum of - - - 388,892 21

Viz:

Deferred stock reimbursed - - - 249,401 58

Payments on account of the Louisiana stock - 189,490 63

Making the public debt, unredeemed on the 1st of January, 1821 - 91,294,416 51

From the 1st of January to the 30th of September, inclusive, there has been added the sum of - 4,789,776 88

Viz:

Three per cent. stock, for interest on registered debt - 26 01

Treasury note 6 and 7 per cent. stock - 4,454 07

Loan authorized by act of 3d of March, 1821 - - - 4,735,296 80

Making - - - 96,034,192 89

From which is to be deducted the sum of - - - 2,848,097 15

Viz:

Reimburse't of deferred stock, during the same period - 276,737 15

Payments on account of Louisiana stock - - 2,071,360 00

Making the public debt which was unredeemed on the 1st of October, 1821 - - - 98,686,095 74

To which will be added, in the fourth quarter, Treasury note 6 per cent. stock issued - - - 390 40

Making - - - 98,686,486 14

From which will be deducted, in the fourth quarter, the sum of - - 262,890 41

Viz:

Reimbursement of deferred stock - 257,312 26

Residue of Louisiana stock - - 5,558 15

Making the amount of the public debt, unredeemed on the 1st of January, 1822, as estimated \$98,423,605 73

The Treasury notes yet outstanding are estimated at - - - \$38,495 00

The awards made by the commissioners, appointed under the several acts of Congress for the indemnification of certain claimants of public lands in the Mississippi Territory, amounted to - - 4,282,151 13

Of which there have been received at the General Land Office, in stock - 2,442,535 89

And there have been paid at the Treasury - - - 1,784,490 85

Making together - - - 4,177,026 24

And leaving outstanding on the 30th of September, 1821 - - - \$105,124 88

All which is respectfully submitted.

WM. H. CRAWFORD.

TREASURY DEPARTMENT, Dec. 10, 1821.

THURSDAY, December 13.

Death of Mr. Trimble.

After prayers had been offered by the Rev. Mr. Ryland, the Journal of yesterday was read, when a message was received from the Senate, announcing the decease of the honorable WILLIAM A. TRIMBLE, late a member of that body from the State of Ohio.

Mr. CAMPBELL, of Ohio, moved to dispense with the order of business in this House, which was agreed to.

On motion of Mr. CAMPBELL, it was further

Resolved, unanimously, That this House will attend the funeral of the Honorable WILLIAM A. TRIMBLE, late a member of the Senate, from the State of Ohio, to-morrow, at twelve o'clock, and, as a testimony of respect for the memory of the deceased,

DECEMBER, 1821.]

Affairs in Florida—Gov. Jackson and Judge Fromentin.

[H. OF R.]

will go into mourning, and wear crape for thirty days.

On motion, it was ordered that when this House do adjourn, it adjourn to Saturday next.

On motion of Mr. EDWARDS, of North Carolina, the House then adjourned.

SATURDAY, December 15.

Two members, to wit: from Virginia, JOHN RANDOLPH, and from Maine, WILLIAM D. WILKINSON, appeared, produced their credentials, were qualified, and took their seats.

MONDAY, December 17.

Another member, to wit, from North Carolina, THOMAS H. HALL, appeared, produced his credentials, was qualified, and took his seat.

Publication of the Journal of the Federal Convention of 1787, and of the Secret Journal of the Congress of the Confederation, and its Diplomatic Correspondence.

Another Message was also received from the PRESIDENT OF THE UNITED STATES, which was read, as follows:

To the House of Representatives of the United States:

By a resolution of Congress, approved on the 27th of March, 1818, it was directed that the journal, acts, and proceedings of the Convention which formed the present Constitution of the United States, should be published under the direction of the President of the United States, together with the secret journals of the acts and proceedings, and the foreign correspondence (with a certain exception) of the Congress of the United States, from the first meeting thereof down to the date of the ratification of the definitive Treaty of Peace between Great Britain and the United States, in the year 1783, and that one thousand copies thereof should be printed, of which one copy should be furnished to each member of that (the fifteenth) Congress, and the residue should remain subject to the future disposition of Congress.

And by a resolution of Congress, approved on the 31st April, 1820, it was provided that the secret journal, together with all the papers and documents connected with that journal, and all other papers and documents heretofore considered confidential, of the Old Congress, from the date of the ratification of the definitive treaty of the year 1783, to the formation of the present Government, which were remaining in the office of the Secretary of State, should be published, under the direction of the President of the United States, and that a thousand copies thereof should be printed and deposited in the Library, subject to the disposition of Congress.

In pursuance of these two resolutions, one thousand copies of the journals and acts of the Convention which formed the constitution, have been heretofore printed and placed at the disposal of Congress, and one thousand copies of the secret journals of the Congress of the Confederation, complete, have been printed, two hundred and fifty copies of which have been reserved to comply with the direction of furnishing one copy to each member of the fifteenth Congress, the remaining seven hundred and fifty copies have been deposited in the Library, and are now at the disposal of Congress.

By the general appropriation act of 9th April, 1818, the sum of ten thousand dollars was appropriated for defraying the expenses of printing done pursuant to the resolution of the 27th of March, of that year. No appropriation has yet been made to defray the expenses incident to the execution of the resolution of 21st April, 1820; the whole expense hitherto incurred in carrying both resolutions into effect has exceeded, by five hundred and forty-two dollars fifty-six cents, the appropriation of April, 1818. This balance remains due to the printers, and is included in the estimates of appropriation for the year 1822. That part of the resolution of the 27th March, 1818, which directs the publication of the foreign correspondence of the Congress of the Confederation, remains yet to be executed, and a further appropriation will be necessary for carrying it into effect.

JAMES MONROE.

WASHINGTON, Dec. 16, 1821.

The Message was referred to the Committee of Ways and Means.

Fugitives from Labor.

Mr. WRIGHT submitted a resolution, which, after being modified at the suggestion of Mr. LATHEAP, was read in the following words:

Resolved, That a committee be appointed to inquire into the expediency of providing, by law, more effectually to protect the rights of those entitled to the service or labor of persons in one State, under the laws thereof, escaping into another, and for their delivery to their rightful owners, agreeably to the provisions of the constitution.

Mr. CAMPBELL, of Ohio, moved to amend the same, so as to refer it to the Committee on the Judiciary, instead of a select committee.

A discussion ensued on the question of reference, in which Messrs. WRIGHT and S. SMITH opposed, and Messrs. TOMLINSON and MOORE supported the amendment, which was put and carried—ayes 70, noes 60. [In the course of the discussion, Mr. WRIGHT warmly deprecated the interference of Quakers and others to prevent the reclamation of slaves in some of the States, and hinted that, if effectual means were not taken to secure the rights of the Southern States in this particular, he did not know but they might be driven to take up arms to protect them. Mr. CAMPBELL and Mr. TOMLINSON did not oppose the reference of the subject, but argued that references to standing committees were preferable, when the subjects naturally belonged to a committee of that description.]

The resolution was thereupon adopted.

Affairs in Florida—Gov. Jackson and Judge Fromentin.

Mr. WHITMAN called for the consideration of the resolution by him submitted on the 11th instant, requesting information from the Secretary of State relating to the late transactions at Pensacola, &c.

The House agreed to consider the same; when

Mr. POINSETT moved to amend it, by limiting

the information called for to such as the President may think proper to communicate.

Mr. WHITMAN assented to the amendment.

Mr. RANDOLPH moved to insert the word "information" in lieu of the word "correspondence," which was assented to.

Mr. EDWARDS, of North Carolina, moved that the resolution be laid on the table. He thought it more respectful to the President of the United States to wait for the information on the subject, which it was doubtless the intention of the Executive to communicate. The message that had been delivered at the commencement of the session referred to the matter in question in very clear and explicit terms. Mr. E. referred to that document to show that it had been announced as the intention of the Executive to communicate further information on the subject to Congress. Mr. E. thought it, therefore, a matter of proper courtesy and decorum for this House to wait until the President should think proper to make it a subject of special communication.

Mr. WHITMAN opposed the motion. At the first reading of the President's Message, he had entertained the same opinion which his honorable friend from North Carolina (Mr. EDWARDS) had expressed. But, on further examination, he had found it impossible to determine whether the matters of an unpleasant nature, to which the President referred, were of the same character with those contemplated by the resolution. The facts alluded to in the message were general and undefined. Those included in the resolution were particular and specific. It could not, therefore, be disrespectful to ask for information on a subject that it was impossible to say had been even alluded to in the President's Message. But the resolution called for information not only in regard to the controversy between General Jackson and Judge Fromentin, but it was contemplated to extend it to an inquiry into the causes that led to the issuing of an order by the Governor of the Floridas for the removal of certain persons from that territory, which, to say the least of it, is in its character novel. Mr. W. knew of no law that justified a sentence of banishment, even by the Executives of sovereign States; still less could he comprehend the justifiable exercise of such a power by the created head of a dependent Territory. Such a sentence might perhaps be allowed as a punishment, when resulting from a conviction by the verdict of peers, or a trial before a court on the charge of a crime, but he knew of no authority that could justify such a sentence, as a matter of political expediency, depending on the Executive will. When, therefore, the subject was fairly discussed, Mr. W. was satisfied it would be found that the resolutions he had submitted were of a character altogether respectful to the President of the United States; that they were confined to distinct and definite objects; that the Message had been for some time before the House, and that no special communication on the specific

subjects alluded to have been made, and that it was fairly inferable that the message and the resolutions had different objects in view. He therefore thought the subject to be of sufficient importance to entitle it to the immediate attention of the House.

Mr. BALDWIN suggested that it was evident, from the tenor of the message, that this was a subject to which the President of the United States had not been inattentive. It might be, that it had become a subject of negotiation with the Spanish Government—and this was perhaps the reason why it had not been presented to the consideration of the House subsequent to the message. The Spanish Minister had not yet arrived at the seat of Government—and possibly it was owing to this circumstance that the President had not communicated the papers in this case to the House. Upon the whole, he thought it advisable for the House not yet to act on the subject.

Mr. EDWARDS then renewed his motion that the resolution lie on the table, for the reasons he had before stated.

This motion was supported by Mr. CANNON, and opposed by Mr. FLOYD, when, the question being taken, the motion of Mr. EDWARDS prevailed; and the resolution was ordered to lie on the table.

TUESDAY, December 18.

Another member, to wit, from Maryland, THOMAS BATLY, appeared, produced his credentials, was qualified, and took his seat.

Missouri—Three Per Cent. Fund.

The engrossed bill providing for paying to the State of Missouri three per cent. of the net proceeds arising from the sale of public lands within the State, was read a third time.

[The bill directs that "three per cent. of the net proceeds of the sales of the lands of the United States, lying within the State of Missouri, which, since the first day of January, 1821, have been, or hereafter may be, sold by the United States, after deducting all expenses incidental to the same, shall be paid, from time to time, to such person or persons as may or shall be authorized by the Legislature of the said State of Missouri to receive the same; which sum or sums thus paid, shall be applied to the making public roads and canals, within the said State of Missouri, under the direction of the Legislature thereof," &c.]

Mr. EVGRIS suggested a doubt, derived from the language of the report, whether the Congress had a right to prescribe to a State, the manner in which any part of her funds shall be expended.

Mr. S. SMITH submitted, that an alteration might be perhaps advantageously made in the phraseology of the bill, making it read "roads or canals," instead of "roads and canals."

Mr. SCOTT explained to the House, that the bill had been drawn up in conformity to the provisions of the third clause of the sixth section of the act authorizing the people of Missouri to

JANUARY, 1822.]

Bankrupt Law of 1800.

[H. OF R.]

form a constitution and State government, which provides that five per cent. of the net proceeds of the sales of lands within the State shall be reserved for making public roads and canals; of which three-fifths shall be applied to those objects within the State by its Legislature, and the remaining two-fifths shall be applied, under the direction of Congress, to the construction of roads and canals leading to the State. In pursuance of those provisions, accepted by Missouri, and thus become a compact between her and the United States, this bill had been framed, &c., and required no amendment.

Mr. RANKIN further suggested that, to make the amendment proposed by Mr. SMITH, would be to change the terms of the compact, which it was not in the power of Congress, being one of the parties to it, to do.

Without further observation, the bill was passed, and sent to the Senate for concurrence.

FRIDAY, December 21.

Another member, to wit, from South Carolina, WILLIAM LOWMYER, appeared, produced his credentials, was qualified, and took his seat.

WEDNESDAY, December 26.

Two other members, to wit: from Connecticut, JOHN RICE, and from North Carolina, FELIX WALKER, appeared, produced their credentials, were qualified, and took their seats.

Public Lots in Washington.

The SPEAKER laid before the House a report of the Commissioner of the Public Buildings, in obedience to the resolution of the 21st instant, calling upon him to state the amount of unimproved property in the city of Washington, belonging to the United States, and to give an estimate of its probable cash value at this time; which report was read, and ordered to lie on the table. The report is as follows:

OFFICE OF COM. OF PUBLIC BUILDINGS,
Washington, Dec. 26, 1821.

SIR: In obedience to a resolution of the House of Representatives, passed the 21st instant, requiring a report of the amount of unimproved property in the city of Washington belonging to the United States, with an estimate of its probable cash value at this time, I have the honor to state:

That the public ground in this city consists of two descriptions: 1st. Building lots assigned to the United States upon a division with the original proprietors, agreeably to the terms and conditions of the deeds of trust for the ground within the limits of the city, by which the proprietors ceded to the United States one-half of the building lots, without any pecuniary equivalent. 2dly. "Reservations" of entire squares, or larger sections of ground, purchased from the original proprietors, on account of, and for the use of, the United States.

Of the building lots there remain unsold about the number of 5,150. The reservations contain, together, 541 acres, 1 rood, and 29 perches, or 23,584,745 square feet, equal to 4,479½ standard lots.

Any estimate of the cash value of this property must, under present circumstances, be extremely arbitrary. Owing to the general stagnation of business, and scarcity of a circulating medium, few sales have been effected, either on public or private account, within the last year or two; and it is only from actual sales in the vicinity that the value of any given lot can be ascertained. The average price of the public lots heretofore sold is \$180 per lot, or about 8 419-1000 cents per square foot. Taking this as the rule of valuation, the whole of the ground belonging to the United States, in the city of Washington, would amount to one million seven hundred and thirty-three thousand, three hundred and ten dollars.

I have the honor to be, &c.

SAMUEL LANE,

Commissioner of Public Buildings.

Hon. PHILIP P. BARBOUR,

Speaker of the House of Representatives.

WEDNESDAY, January 2, 1822.

Another member, to wit, from Kentucky, JAMES D. BRECKENRIDGE, appeared, produced his credentials, was qualified, and took his seat.

TUESDAY, January 8.

Bankrupt Law of 1800.

On motion of Mr. BLAIR, the House agreed to take into consideration a resolution heretofore offered by him, calling upon the President of the United States for information relative to the operation of the Bankrupt Law of 1800, in the States of Virginia, Maryland, Pennsylvania, and New York.

Mr. B. stated his object to be, to obtain such information relative to the operations of the old bankrupt law as might be useful, if not as a guide, at least as a reference, to those who were about to be called upon to vote for a system which he conceived to be similar in all its essential features and properties to the law of 1800. He thought no guide was so safe as the footsteps of experience. In anticipation of an objection that might possibly be urged, he would observe, that it was by no means his intention to retard the progress of the bill that had been reported on that subject—nor should he, at any time, solicit a postponement of that bill, for the purpose of gaining time to obtain the information which he now sought. He had confined the call for information to the States of Virginia, Maryland, Pennsylvania, and New York—not for the purpose of giving a partial view of the subject, but because those States were most deeply interested in, and affected by, its operation; and also because the information from those States could be obtained more expeditiously than from others that were more remote. They afforded, in his opinion, the fairest sample of its operation, and with those views, and those only, he had proposed to limit the inquiry. The reason why he addressed the call for information to the President was this: that the information desired was with the clerks of the several District Courts of the

United States, and that there was no connection between them and any of the Executive Departments; and that the course which he now proposed had been recommended to him by a gentleman of experience in the business of Congress.

Mr. COCKE proposed to amend the resolution by including the District of Columbia; which suggestion was assented to by the mover.

Mr. WHITMAN thought the proposition was of a novel character. It contemplated a call upon the President of the United States for information on a subject over which he had no more control than any member of that House. It did not refer to any subject that could be supposed to be within the personal knowledge of the Executive. He therefore thought the call upon that officer was incorrect and improper. If the information was worth the seeking, he thought it should be obtained through the medium of a special committee, who might be instructed to inquire into the subject, and vested with the power to call for persons and papers. At all events, the President of the United States was not the proper person of whom the inquiry should be made—it would be more correct to call on the clerks of the courts, to which the proceedings were, by that law, made returnable, than to ask it of the Executive, who had no agency whatever in its execution. Mr. W. also adverted to the limited operation of the inquiry, and thought, if any importance was attached to it, it should extend to other districts than those that had been named.

Mr. LOWNDES replied to the suggestion, that the call for information was too limited, and remarked, that it was surely an unsafe position, because all the information that was desirable could not be obtained, that it was, therefore, better to have none at all. He thought it was safe and proper to rely upon the discretion of the House, in respect to the possible result of a delay; for the House had the subject always within its control, and could regulate and direct it by such principles as should appear to be equitable and just. In respect to the source of information contemplated by the resolution, he would remark, that the President of the United States had a controlling authority over all the subordinate officers in the various departments of Government. His requisitions would be received with attention, and answered with respect, and it was not so much a transcript from the records of the district courts which the clerks were to furnish, as it was a digest of the information on that subject which the Executive was supposed to possess.

Mr. SERGEANT was apprehensive that the resolution, if adopted, would hereafter press seriously upon the House. Frivolous and unmeaning resolutions would never voluntarily receive the sanction of this body; and, if this should be adopted, it would be so on the ground that the information that it proposed to obtain was necessary and proper. If, then, it should

not be obtained, when we arrive at the period of discussion in which it may be supposed to be appropriate, it may be difficult to resist the call for a further postponement, until it can be obtained.

Mr. S. then inquired, and examined somewhat in detail the nature and situation of the records, whose repose it was in contemplation to disturb. Under the law of 1800, there were commissioners and a secretary in each district, with whom these papers were originally placed. When their decision had been consummated, these papers were directed to be deposited in the offices of the several clerks of the respective district courts. No digest or record of them was made. Of course it will be necessary, should the resolution be adopted, that the clerks or their successors should look back among the files, reproduce them to the light, open each and every file, examine them, however voluminous, from their inception to their end; and, after all, what light would they shed upon the expediency of the bill that was now upon the table? What if it should appear that the dividends had been small? That must lead to the inquiry, wherefore they had been small? for the fact, without the reason, would be a most fallacious and inconclusive guide in illuminating the path of inquiry. He would not enter, however, on that branch of the subject, and would merely observe that, although he was desirous that every sort of information should be given, yet he should be reluctantly compelled to vote against the resolution, because it would evidently occasion not only a great expense, but a consumption of time that might extremely harass, if not finally defeat a bill to which the mercantile part of the community looked with anxious solicitude.

The resolution was further supported by Messrs. WRIGHT and WARFIELD, when the question was taken thereon, and carried in the affirmative—yeas 77, nays 71.

WEDNESDAY, January 9.

Another member, to wit, from Georgia, ALFRED OUTHBERT, appeared, produced his credentials, was qualified, and took his seat.

THURSDAY, January 10.

Surveyors General.

Mr. RANKIN, from the Committee on the Public Lands, to whom the subject had been referred, reported a bill requiring surveyors general to give bond and security for the faithful disbursement of public money, and to limit their term of office; which bill was read twice, and committed to a Committee of the whole House to-morrow.

Bank of the United States.

Mr. ARTHUR SMITH submitted the following resolution:

Resolved, That the committee to whom was refer-

JANUARY, 1822.]

Indian Department—Its Expenditures.

[H. OF R.]

red the memorial of the United States Bank, be instructed to inquire into the expediency of making it the condition on which any alteration of the charter for the benefit of the said bank shall be made, that the eighth clause of the fundamental articles of the constitution of said bank be so amended, as to limit the said bank in the contraction of debts, and the issue of its notes, to some multiple of the gold and silver coin of the lawful currency of the United States actually in its vaults or possession, and held to answer the demands against it; that the said committee also inquire into the expediency of providing, that the plea of the act of limitations shall not bar a recovery in an action brought on a note or notes issued by the Bank of the United States, and payable to bearer.

The resolution being read, the question was taken, "Will the House agree thereto?" and determined in the negative.

Indian Department—Its Expenditures.

Mr. PLUMER, of New Hampshire, called for the consideration of the resolution by him submitted on Wednesday last, calling for information from the War Department relative to the expenditures of the Indian Department for the year 1821.

After some prefatory remarks by the mover, the House agreed to consider the same.

Mr. McDUFFIE hoped the resolution would pass. Had it been moved in its proper season, several days ago, it might have prevented the long discussion that had taken place.

Mr. TRACY wished to extend the inquiry more specifically than the motion seemed to embrace. He therefore proposed an amendment to that effect.

Mr. RANDOLPH did not rise for the purpose of objecting to the original motion of the gentleman from New Hampshire, nor to the amendment of the gentleman from New York; but to state to the House what, in his opinion, was an obvious principle of legislation. There could be no objection on the part of the House, certainly there was none on his, to receiving any information which its subordinate departments might think proper to impart. Such information, however, was not requisite for him, in sustaining the part which he had deemed it his duty to take on the subject. It was incumbent on those who ask for an issue of money from the public purse, to show their reasons for the call. The onus was on them. Those who asked for the appropriation were to show cause why it should be done. It was enough for this House to remain passive until those who wanted their money had at least proven the exigence that gave birth to the solicitation. He was not disposed to cavil on the ninth part of a hair. He was no Hotspur. But when my constituents are asked for money—for 'tis their money, said Mr. R., not mine—it is not for me to be lavish with it; nor was it their province to go in quest of the reasons that induce others to seek it.

Mr. RHEA moved a postponement; which was opposed by Mr. REID, and negatived.

VOL. VII.—15

The question was then taken on Mr. TRACY'S amendment, and carried.

Mr. WARFIELD was satisfied with the information already obtained, although he was willing that other gentlemen should be gratified who wished for further light. By reference, however, to what was already in our power, he thought it would appear that the information contemplated by the resolution could not be obtained in time for the partial appropriation bill to which it seemed to refer, unless the debate on that bill should be protracted until late in the Spring.

The subject was further discussed by Messrs. PLUMER, WALWORTH, and ARTHUR SMITH; when

Mr. RHEA remarked that he wished the inquiry to go further back. He did not wish for a partial examination of the subject, but for a full elucidation. This he thought was due to the Secretary of War; and he would therefore move to amend the resolution so as to extend the inquiry not only to 1821, but also to 1820.

Mr. GILMER hoped the amendment would succeed, though he was not himself desirous of the information called for by the resolution. Mr. G. proceeded to remark on the course which this subject had taken, and incidentally on the merits of the question which had been for several days under debate, at considerable length—of which it is practicable to give the substance only. It seemed to him that some gentlemen were too eager to identify the personal character of the Secretary with questions before the House, and taking up their defence before any one thought of making an attack. In the particular cases before the House, Mr. G. confessed that the Secretary of War did not possess his confidence; though he believed him to be, in the general discharge of his duty, an able and enlightened officer; and he believed that officer drew much too largely on the confidence of this House, if he presumed it would justify him in the course he had adopted in regard to the excess of expenditure above the appropriation. It had indeed been argued that an appropriation law is not the authority for expending money; he admitted that if an army is authorized, you give power to enlist so many soldiers; that if contracts cannot be made on terms as cheap as were anticipated when the law passed, it was competent for the Secretary to make up the deficiency, but this was not an analogous case, as those expenses were not authorized by any law. If any Secretary expended more money than he was authorized to do, it should be at his peril, and on his own responsibility. This was the great question; and he for one would not admit that any Secretary should dare—he would use this strong language—should dare to place his construction above the construction of this House, and substitute his discretion for law. Mr. G. contended further that it was in the power of the Secretary of War to have prevented a large portion of this unauthorized expenditure. It was well

known that not only immense numbers of the Indians attended at the agencies to receive their annuities, but that they came attended by their women and children, who all assembled and remained for many days for the purpose of being fed at the expense of the United States. This expense, at least, the Secretary could have controlled—timely orders to his sub-agents would have prevented it, by directing that rations should not be issued to those swarms of savages at the public expense, as had been the practice heretofore. Such an order would have sent the Indians home, and the expense would have been avoided. Another curtailment of expenditure, Mr. G. presumed, might have been made in the article of presents. There was an existing statute which expressly forbid that the cost of presents to the Indian tribes should exceed fifteen thousand dollars—there was no discretion left in the case to the Executive; Mr. G. would always protest against the exercise of any discretion which should transcend the disbursement authorized. Suppose it should be discovered that the Secretary of War, in the great discretionary power contended for by some gentlemen, should have thought proper to expend for presents the sum of \$50,000, instead of \$15,000—and Mr. G. thought it highly probable that it would turn out so; for it had been stated by one gentleman, (Mr. BUCHANAN,) that \$40,000 was expended in transporting annuities, but this must certainly be an error, and he presumed it was for presents. Mr. G. was of opinion, also, that the expenditure for the Indian department might have been reduced in the supply of agricultural implements, ploughs, &c., which was furnished, and which he went on to show might have been reduced without producing any hardship or inconvenience to the tribes to whom they were sent; for, he observed, these implements benefited only that class amongst the Indians which were wealthy, and were calculated only to encourage an aristocracy amongst them; while the great body of the tribes, poor and miserable, and suffering, derived no good whatever from the donation. But these things were not known perhaps to the Secretary of War, to this man of towering genius, to which so much homage was paid. Genius he might have, and had, Mr. G. said, but for his part, he would much prefer a little practical common sense to all the powers of imagination which had been ascribed to the Secretary of War. It was not his object, however, Mr. G. said, to assail or defend any Secretary—he spoke only of facts and principles. As to the resolution before the House, he had no idea that the information it called for would change his opinion on this subject. He was satisfied that money had been expended which was not authorized, and no confidence would induce him to justify such dereliction in a public officer—he would give no such confidence. The people, Mr. G. said, placed a special confidence in their representatives in matters of appropriation—it was unlike matters of ordinary

legislation—and he had to learn that confidence was transferable.

Mr. RANDOLPH wished to know of the Chair whether, on this resolution, the merits of the question which had been under consideration for some days were debatable?

The SPEAKER thought not; but it was extremely difficult to determine the precise line of separation between the two subjects.

Mr. PLUMER had no objection to the amendment if the House desired additional information; though he himself did not.

Mr. REXA's amendment was agreed to—ayes 89; and the resolution, as amended, passed without a count.

Military Appropriations—Indian Department.

The House then again resolved itself into a Committee of the Whole, on the bill making partial appropriations for the military service of the year 1822—the question on filling the blank for the Indian department being yet under consideration—

Mr. RANDOLPH remarked that, in opposing the appropriation now before the House, himself, and those who acted with him, had, perhaps, shown more gallantry than discretion. It was, perhaps, proper for him to vindicate the Administration with which he had the honor—for an honor it was, not indeed in the sense in which that term is bandied about in this House—to act. He regretted that so much personality had been introduced, not only in relation to the officers of the Government, but to the members of this House. There were two questions which the committee had to decide, that, in his opinion, had not been met, probably because they had been misconceived. The first and most important question was, Where does the supreme authority of this Government rest? Does it reside in agents or in sub-agents? or shall we find it in the subordinates of subordinates? He (Mr. R.) would not consent to admit that the War Department was a co-ordinate or correlative branch of this House. Should it be said that the Executive was such a branch, he would not deny it; but when we approach the Executive or Senate for information, it is in the respectful terms of request; when we speak to the subalterns of the Executive, we order and direct—in language, civil if you please, but mandatory. The doctrine of these departments being co-ordinate branches of the Government, was therefore unsound—it would not hold water a moment. And who is to be the judge, and what the measure of judgment? What is their power? It is derivative; they are the breath of the Executive nostrils. Mr. R. here adverted to the situation and limitation of the powers of former Secretaries, and was disposed to do more justice to the present Secretary of War, than his friends seemed to have done. The old Spanish proverb, "Save me from my friends," &c., recurred to his mind; and he would not take the Secretary where he had

JANUARY, 1822.]

Military Appropriations—Indian Department.

[H. OF R.]

been placed, and for the reason that he had not placed himself there. The Committee of Ways and Means had hard measure dealt out to them on both sides. They had tried to husband the public resources, and for this they were entitled to credit. They had taken the only course that could effect that object; and he could defy the ingenuity of gentlemen to limit the expenditure of the Indian department in any other manner than by limiting the appropriations. The same course was required as when you would teach frugality to a child at school. As you could not define every item of expense, the only and proper way would be, to limit by a precise sum the amount of his expenditures, beyond which he should not go. There was no other mode of retrenchment where the expenditure was contingent. This deficit, said Mr. R., comes before us in a most questionable shape. Last year, the Secretary made his estimate of \$170,000. Only \$100,000 were appropriated, and now he comes in for the exact balance. Instead, therefore, of an appropriation, the application should rather be for the passage of a bill of indemnity to protect him from the consequences of having transcended the powers confided to him by the Representatives of the people. Such an act was resorted to by Lord Chatham, in relation to his usurpations on the subject of the exportation of corn. Even that great man, who fills so large a space in the page of history, and whose name will be revered when those who now figure upon the scene of action shall be sunk deeper than the plummet ever sounded, in the unfathomable abyss of oblivion, was obliged to seek shelter under a protecting act, for having been guilty of what he confessed to be a thirty days' tyranny.

The gentleman from Pennsylvania (Mr. BUCHANAN) had referred to the day, even the day, when he (Mr. R.) was a member of the Committee of Ways and Means, to show from the history of that period that then, even then, there was a necessity to supply the deficits of past appropriations. But that gentleman would remember, it is one thing to know for what appropriations are made, and another thing to grant them without knowledge—in the dark. There was but one unaccounted deficit supplied, within his recollection, at the period alluded to, and that was for the naval expenditure, which, from the nature of the service, was most uncertain. But another prodigious discovery had been made by his colleague, (Mr. SMYTH,) that \$100,000 had been granted for the civil list. But, though the appropriation was not specific on the face of the act, yet it was necessarily so in the progress of the disbursement. The salaries of the President, of the judges, and of the various officers of the Government, were limited and defined. There was no reason to fear that they would draw for larger amounts than they were entitled to. It was not like the Indian department, where the disbursement was contingent, and undefined by law. Did any one ever hear of a nation being ruined by

the expenses of the civil list? This was really saving at the spigot and letting out at the two great vortices—the Army and the Navy. The gentleman from Virginia (Mr. SMYTH) had said hard things of the former Secretary of War, (General Dearborn,) and that his only memorable act was his sending the army to perish and die among the marshes of New Orleans. Now he would say, and he would say it without fear, that the Secretary of War was no more responsible for that act of the commanding General, than the head of the Department in the late war was for any of the blunders of the commanding Generals on the Niagara frontier. [Mr. S. here called Mr. R. to order.] The Chairman having requested Mr. R. to proceed, he rose, and observed that neither his health, nor his fondness for debate, or rather his aversion to it, would permit him to extend his remarks to all the subjects that the question presented. But, so long as his constituents looked to him with so much partiality as to send him here to espouse their rights, he should raise his voice without fear, against any principle that compromised those rights. The law, he said, had not authorized the expenditure, and he here read and commented upon the statute that authorizes the distribution of rations to the Indians. It was a guarded and qualified permission, not a peremptory requirement. The law of the land, therefore, stood violated, and its supreme authority was disregarded by an officer of the Government.

You may be Viceroy, it is true,
But we'll be Viceroy over you—

was now virtually the language held to this House. It could not excite surprise that he (Mr. R.) should enlist under the banner of the people. Although he had once a connection with the court, it was not long enough to estrange his feelings from their interest. His bias leaned to the payers of taxes, not to the consumers. Much had been said of dignity, but dignity had its seat in the mind. It might be found as often under a patched coat as under a flaunting robe, that might be borrowed or stolen. True dignity consists in acting well in that situation in which it has pleased God to place us; and in a Secretary of War it consists in not exceeding his appropriations. The gentleman from Pennsylvania (Mr. BUCHANAN) had said that he did not believe a single cent was unnecessarily expended during the administration of Mr. Jefferson. He (Mr. R.) could not go so far. There were too many hungry mouths to be filled under all administrations; too many dogs that were ready to eat dirty bread and dirty pudding. But, in order to retain the confidence of the nation, a watchful guard should be placed over the people's money. Keep your money, and your money will keep you; but go to bed with confidence in your mouths, and you will awake with chains on your hands. We should not shun the law which requires scrutiny in the disbursement of

public moneys; nor, when we do guard the Treasury, should we be put on our deliverance. If we are to be thus put, said Mr. R., I will say with the gentleman over the way, (Mr. FLOYD,) I am ready to go to Spain! The honorable gentleman from Virginia, (Mr. SMYTH,) under whose displeasure I have had the misfortune to fall, has spoken favorably of the employment of the troops in the pursuits of agriculture—that their swords, or the use of them, were converted into ploughshares. But I can remember, said Mr. R., when that very proposition was hooted out of the House. The soldiers were likened to the barrow-men of Philadelphia. Their stations and dignity were too high to be brought down to the business of making roads, as were the Roman legions. But they were not confined to making roads—they were sent up the Missouri as the bait to the trap for an Indian war. He had not seen an account of the missing in that war, nor the death-roll of the army sent to St. Augustine. Mr. R. expressed a hope that the dignity of the debate had not been interrupted by him. His life was in that state of obscurity—he would not say of proscription—in which it began. He could now see only two members of the House, (Messrs. SMITH, of Maryland, and NEW,) who belonged to it at the time he entered that body. In alluding to the events, *quarum pars fui*, he could not but be astonished that in so short a space of time, principles were received as matters of course, which transcended, beyond measure, those for which an administration of that day was put down, and, as he then thought, put down forever. He feared, from the past, that whoever succeeds, will find the constitution, like the horizon from the traveller, fly from before him; that he would find it flying before expediency and confidence. However the Republican party should be divided or subdivided, it would settle down into the parties of the Court and Country. For his part, the side of the people was his side. He was identified with them, and God forbid, said he, that we should causelessly throw away that money which they are perhaps, at this moment, laboring to earn.

Mr. BALDWIN was sorry the range of debate had been so wide and excursive; nor could he see the necessity that the transactions twenty years ago should be drawn into discussion with more propriety than the wise doubts of Wouter Van Twiller, or the inflexible edicts of Peter the Headstrong. Mr. B. would fully concur with gentlemen in the propriety of making appropriations specific; but it seemed to have been forgotten that the specification must be made in this House. The departments were not entitled to make it; and no information until yesterday had been asked of the Secretary of War. In 1820, there was laid upon our tables a detailed statement of the whole system of policy and expenditure in the Indian Department for a long series of years. That information was to be considered as before the House,

and at the last Congress no objection was made to the system. The appropriation of the last year did not apply to the policy of the Indian department. The bill came in blank, and he did not remember to have heard even an intimation that it was intended to cut down any part of the Indian expenditure. [Mr. SMITH explained, and said the estimate was \$170,000, and he had moved to fill the blank with \$100,000 only.] This appropriation, said Mr. B., was passed in silence; not so that which related to the fortifications. The extent and policy of that expenditure was tested by discussion and by vote. Mr. B. was as little disposed as others to grant away the public money. But what was more common than that committees should be mistaken in their estimates? It happened almost every year—but an error of that kind had never before, as he believed, been construed into an indication that the source of expenditure was to be destroyed. Mr. B. thought the Secretary of War could not be said to have disobeyed the direction of the House. He had never been called upon to apportion the \$100,000. That would be an act which he had no right or power to assume. If Congress directs that presents shall cease, rations be discontinued, or the agents, interpreters, &c., remain unpaid, it would be the duty of the War Department to obey the mandate; but to limit and apportion to each, or to continue one and discontinue another, when the laws were in force that required them all, would certainly be a departure from his duty. By voting the sum now proposed, the Department would not be exonerated from responsibility of subsequently accounting for it. The public would, therefore, be safe, and he thought it unwise to depart at this time from a practice which had uniformly obtained for forty years, without setting up a buoy, to warn the Department of the course which was prescribed for it to take.

Mr. TOL rose to explain his reasons for voting in favor of the sum that had been named by the Committee of Ways and Means. He was induced to do this from the circumstance that other gentlemen on that committee had thought proper to explain the reasons that would influence them to vote against it. Mr. T. passed in review the general topics that had arisen in the course of the debate; but the difficulty of hearing precludes a full and extended report of his observations. He thought it somewhat singular that, with one solitary exception, every gentleman who had resisted the report had expressed an entire confidence in the gentleman who directs the War Department. They are convinced that he has done his duty, and are solicitous to make him an appropriation of thirty thousand dollars, and that, too, founded on the same data and principles with the appropriation which they oppose. In other words, they are dissatisfied with his past conduct, and therefore insist upon trusting him in future; they would trust in his promises and estimates, but not in his facts! A great anxiety seemed

JANUARY, 1822.]

Military Appropriations—Indian Department.

[H. OF R.]

to exist for accounts current—for proofs and papers. He doubted, however, whether this House was a very proper place to audit the Secretary's accounts. The Third Auditor's apartment was most appropriate for that business, where papers were measured by the cord. If those papers were even brought forward, he doubted whether they would lead to a very beneficial result. For his part, he did not wish to overhaul papers, and hunt up receipts, for half a pound of tobacco, a yard of wampum, or a pair of nippers, furnished to an Indian. There were officers who were more competent to perform this drudgery, and who would probably do more justice to the subject than this House in their representative capacity. Mr. T. adverted, also, to the consequences that might arise from withholding the Indian supplies, and contended that, to make the appropriation, was called for as much by the dictates of policy as of justice and honor.

Mr. STEVENSON moved to rise and report, and intimated his intention to make some remarks on the subject.

Mr. SMITH begged the indulgence of the House to make a few observations in relation to some points of the debate. If any thing of a personal character, or derogatory to the dignity of the House had occurred, the House would bear him witness that it had not fallen from him. Mr. S. read a part of the rules of the House, that related to personal allusions, and remarked that it was always unpleasant to speak of one's self, and more especially, under any degree of irritation; but he could not forbear to give a short answer to the law which had been referred to by his colleague, (Mr. RANDOLPH,) as limiting the rations, such as could be spared. The extent of the rations to be dealt out, was, indeed, in some degree, a matter of discretion—unless usage had given it a measure—but the obligation to furnish them was still in force and unrepealed. The Secretary of War had no right to refuse them. The gentleman says the act of sending the Army to perish among the marshes that surround New Orleans, is to be ascribed to President Jefferson. If so, why should not the expenditure of the Indian department, in like manner, be ascribed to the present Executive? The fact is, that the President of the United States commits these things to the heads of the Departments, and they are responsible for their own acts. Mr. S. could not believe that his colleague intended to apply that to him, in relation to the proceedings on the Niagara frontier, which he repelled as a calumny. By this he would assure both that gentleman and the House, that no reflection, however personal, should prevent him from the performance of his duty. It had been undertaken, and should be performed, whatever might be the consequence. Mr. S. referred to two appropriations that were made to cover deficits at the time when his colleague contended that they were made upon account rendered. One was made in December, and

the other in the January following—and both for the same object, which showed that the accounts or estimates could not have been rendered when the first was made—otherwise it would have been made sufficiently large to have prevented the necessity of the second. His colleague had said that he was of the party of the people. So, also, am I, said Mr. S., I belong not to the court; and when will it be found that I was ever wanting in my duty to the cause of the people? I have an interest in the people, and in posterity. There are those to whom my existence is important—but even that existence shall never stand in the way of my duty.

The question was then taken on Mr. STEVENSON's motion to rise and report, and carried; and the House adjourned.

FRIDAY, January 11.

Military Appropriations—Indian Department.

The order of the day being announced—

Mr. BUTLER moved to postpone to Tuesday the further consideration of the bill for making partial appropriations for the support of the army, &c., for the year 1822. The reasons he assigned for this motion were, that resolutions had been passed calling upon the Secretary of War for certain information, the want of which had given rise to a great deal of debate, and occasioned an unnecessary consumption of time. It was no offence to the officer in question to have asked of him for further information. Let it be received, said he; doubtless the Secretary can fully justify his course. It is very probable that he made every effort within his power to bring the expenditure within the appropriation, and would prove it by the facts which are to be reported to the House. The debate, Mr. B. said, had involved the genius and character of that officer rather than the merits of the question before the House; and all difficulty respecting it might have been prevented by having the information first, and debating the subject afterwards. He could not see any benefit that could arise from pressing a further discussion at this moment, and therefore wished postponement, &c.

Mr. COLDEN supported the motion for postponement, because the further discussion of it at present could tend to no beneficial purpose. With regard to the debate which had already taken place, Mr. C. said if any one had heard it without knowing the subject, he might have supposed the House was sitting in caucus on the subject of the Presidential election, discussing the merits of the candidates. The whole and sole point of controversy for several days had been, whether the Secretary of War had given to the House such information as will authorize it, in the exercise of a sound discretion, in voting the appropriation which has been asked. If this were the true point, what need for travelling over our history, &c., and taking so wide a range in this debate? No member had questioned during these ten

days' debate, whether it was in the power of Congress to make an appropriation of this nature; the only question had been as to the proof of its necessity. Such being the case, and the information being now called for, why discuss it further until that information was received? If in all this business there was any fault—he used the word in no invidious or unfriendly sense—it was in the organ of this House. If there was a defect of information, the Committee of Finance, he apprehended, rather than the Secretary of War, had committed it. The committees of the House, Mr. C. said, are supposed to hold direct communication with the heads of departments, and to be the medium of communication between them and this House. It was for this purpose he understood that the Committee of Ways and Means had been constituted. If that committee had not been satisfied of the propriety of passing the bill now before the Committee of the Whole, it was to be presumed they would not have reported it. But that committee had not given such information on the subject as appeared to satisfy the House. The Secretary of War, however, had shown every disposition to afford the House all the information in his power, and if this bill were postponed, he presumed the House would by Tuesday receive the information for which it had asked.

Mr. BUCHANAN was opposed to this postponement. For what purpose, he asked, was the subject to be postponed? It was said to acquire additional information. What information, said he, have you already? You have precise information from the Secretary of War as to all the objects of the expenditure, and he has told you that it is impossible to give you vouchers showing the special manner in which every sum of expenditure is applied. This, it would occur to every one, would be utterly impossible, because, unless the Secretary was more fortunate than anybody else, he could not have vouchers and receipts for the expenditure before the expenditure was made. In a general view, then, the House had all the information which could be expected; and it could not have it in detail until the information was obtained by the Secretary. Mr. B. said he was opposed to the postponement for the further reason—that as the gentlemen on his side of the House had occupied the floor more than those who were opposed to them, and an honorable member from Virginia had been expected to address the House this morning, he (Mr. B.) was for extending to him the same liberality which had been accorded to others. He wanted for himself no further information; and he thought, also, that courtesy ought to induce the House now to go on with the discussion of the bill.

Mr. CAMBRELENG was not so entirely satisfied with the information before the House as the gentleman from Pennsylvania appeared to be. He was persuaded that the Secretary of War was able and perfectly disposed to give other information which might be acceptable. It would,

he thought, be decorous in this House to itself, as well as to the Secretary of War, to postpone this question, until he should lay before the House the information called for by its resolutions.

Mr. SMITH, of Maryland, reviewed the course which the bill now before the Committee of the Whole had taken in the Committee of Ways and Means. No mention had been made, he said, to the Committee of Ways and Means by the Secretary of War, of any deficit in the Indian department for the last year. They, therefore, could not be prepared to give information respecting it.

[Here Mr. SPEAKER called the attention of the House to the question, which was no more than a question of postponement, and admitted, according to the practice of the House, of no discussion on the merits of the subject proposed to be postponed. During the whole of to-day's proceeding, the Speaker endeavored to keep gentlemen within the rule, but apparently in vain.]

Mr. SMITH, however, submitted to the decision of the Chair, saying as he sat down, that he had supposed the gentleman from New York (Mr. GOLDEN) would have been obliged to him to set him right as to facts.

Mr. LITTLE thought there was sufficient information on the subject already before the House, and he was opposed to the postponement, because time would be saved, as he thought, by going on with the discussion. If he thought, indeed, that it would shorten the discussion, he would agree to a postponement for any reasonable time. But, he said, the House was bound to proceed; the faith of the nation was pledged for these expenditures, and the persons having claims on the Government on account of them were suffering by this delay.

Mr. BURROWS hoped the motion for postponement would not prevail, and one reason why he was opposed to it was, that he had no doubt the postponement, if it prevailed, would be a means, peradventure, of protracting the argument to a greater length of time than what had been already occupied. For himself, he was as well prepared to vote on this question three or four days ago, before all the able arguments which they had heard, as he was now. Gentlemen were bound, he said, to pay attention to the questions before the House, and bring them to as speedy a conclusion as was consistent with existing circumstances. This subject had already occupied several days, and he could see no reason why there should be a further postponement, with a view either to give a chance for, or to prevent, further debate.

Mr. WALWORTH was opposed to further delay of a decision on this question. He recapitulated the several Indian agencies, and described their locations. These agencies, he said, were established by law, the compensation of the agents was fixed in the same manner, and the Executive had no discretion to appoint them or not, or in regard to their compensation. Neither had it any authority to reduce their number or reduce

JANUARY, 1822.]

Military Appropriations—Indian Department.

[H. or R.]

their compensation, without authority of law. To refuse this appropriation, he argued, would be to subject the frontier to all the horrors of Indian warfare; and he made a glowing appeal to our Western brethren, whose blood had freely flowed in conflict with the Indians—to those whose countrymen's scalps had been displayed as trophies in the States of a neighboring (he had almost said of a savage) power, whether it would not be better to preserve peace with the Indians than to fight them. Many of the posts among the Indians, he said, were in a savage country, where there were no roads, and it would take some time to send supplies there; the consequence of which was, that much of the expenditure for the year must be incurred before the general appropriation bill could pass. Partial appropriations were therefore unavoidable, &c.

Mr. NELSON, of Maryland, opposed the motion. In his view the information was not only insufficient, but there was really none before the House on which they could understandingly act. He could not consent to make a grant of the public money without more knowledge than had hitherto been afforded. He wished it to be clearly shown in what way the Secretary of War could vindicate himself for having transcended the appropriation of the last year. He was not disposed to require impossibilities of that officer, but, if he had substituted his own discretion for the constitutional measure of supply, he was altogether indisposed to sustain the proceeding.

Mr. McDUFFIE arose with the view of expressing to the House his desire that no information might be withheld, which any respectable portion of the House should desire to receive. In the remarks which he had made the other day he had said, that if gentlemen wished for information, and would ask for it, they would unquestionably receive it. Had that course been then adopted, as it ought to have been, the necessity for this debate would have been superseded; and he had only to express his surprise how gentlemen could justify a debate so long, on the ground of a want of information which they could have got, but did not ask for it. For himself he was satisfied, and he believed a great majority of the House was, but he was desirous that no information should be withheld. When the House should have received the information, he said, he believed that no man, viewing the subject as it would then be seen, would open his mouth against the appropriation. We have all of us already, said he, incurred a heavy responsibility, by the time which we have consumed in this discussion.

Mr. FLOYD was always willing to encounter responsibility; but he was glad to hear that the Secretary of War was willing to condescend so far as to impart the information which this House should require from him. He could not say, however, that it would be valuable to the House after it was obtained; for, if he had understood the gentleman (Mr. McDUFFIE) the other day, he

told us that we should not be able to understand it if it were obtained. [Here Mr. McD. rose to explain, but the floor was not yielded.] Perhaps his (Mr. F.'s) mind was so angular, that it could not comprehend the complexity of the communications from the Departments. He was ready to vote for the appropriation when the accounts were shown that could support it. He had heard no imputation upon the Secretary of War, except from those who seem to consider themselves as his advocates. Yet it was singular that when Indians and agents had come from a vast distance, and visited our galleries—when a delegate from Michigan, on our extreme border, had come here in sixteen days from Detroit, that the accounts of expenditure should require such a vast length of time in their transmission. The vouchers of the disbursements ought to travel with an expedition equal to that of the drafts for the money. He would not doubt that the expenditure had been fair, but he had a right to demand the evidence of it. He was glad to hear from the friends of the Secretary that the information might be had if asked for, but he felt some degradation, that it was deemed necessary by gentlemen to give that assurance where the House had a right to demand it. He had too much confidence in the Secretary of War to suppose he desired to withhold it; and Mr. F. said he had no doubt the money was expended according to the Secretary's best ideas of propriety; but, he repeated, he wished to know how it was expended, and he would not be satisfied without this information.

Mr. STEVENSON observed that, although the committee had yesterday agreed to rise and report on his suggestion, yet he was disposed to waive the right which the politeness of the House had given him, in favor of the motion now before that body. The reasons assigned by the gentleman from Maryland (Mr. NELSON) were sufficient, in his mind, to evince the expediency of postponement. He wished for information on the subject, not partially, but to its full extent. While, on the one hand, we hear that the conduct of the distinguished gentleman who fills the office of Secretary of War with so much honor, has been arraigned, and that his reputation is involved in the issue of this question; when, on the other, we are told that it is a matter of etiquette; and again, when it is said that the system of policy in the Indian department is in question; among this discordance of opinion it must surely be important to pause and reflect, and to obtain all that information on the subject which it is in our power to collect. Admitting that it was not important in its beginning, yet it has certainly become so by the course which the discussion has taken, and he fully agreed with his colleague that it was a question, not as between co-ordinate powers, but between a subordinate department and the people who created it. Yet he would not say, nor would he be understood to insinuate, that the Secretary of War had not acted with integrity and justice. I am not disposed, said

Mr. S., to cloud the lustre of his reputation, nor pluck a leaf from the wreath with which intelligence and genius have adorned his brow. I would as soon demolish the altar where I worship. I admire and appreciate the qualities of a young man who gives us the fairest promise of filling at some time the highest councils of his country. His reputation I regard as the common property of his country, and I wish not to thicken, but to disperse the obscurities that surround him, and which now hang like the petty mists which fret themselves at the base of a mighty mountain. Mr. S. would trouble the House with but one further remark. You have, by a resolution, called upon the Secretary of the War Department for information on this very subject. The resolution has gone forth. It is probably under consideration, and perhaps an answer is preparing to this formal requisition of the House. He would submit it, then, whether it would be proper or decorous to call for information, and in the mean time to decide the question to which the information refers, before time has been given the Department to furnish it.

Mr. GILMER was understood to believe that, by referring to the abstracts of expenditure in the Department of War for the years 1818 and 1819, the House would probably see the necessity of exploring further into this subject. The amount limited by law for presents to Indians, was \$15,000; but it would be found that, in 1818, there were distributed in presents to them the sum of \$180,000 in money, and \$165,000 in goods, making an aggregate of \$345,000. If there was such a palpable excess beyond the provisions of the law in that year, he thought it highly proper to obtain information how great was the excess for the last year.

Mr. SMITH would withdraw his opposition to the motion for so much time had been already consumed in discussing it, (it being nearly three o'clock,) that there was no time left to enter into a discussion of the main subject, if they took it up.

Mr. JONES, of Tennessee, made a few remarks in opposition to the postponement, when the question was taken and carried—ayes, 89.

THURSDAY, January 17.

Another member, to wit, from the State of Virginia, JAMES JONES, appeared, produced his credentials, was qualified, and took his seat.

SATURDAY, January 19.

Monument to General Wooster.

Mr. TOMLINSON submitted the following:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of appropriating the sum of five hundred dollars, to carry into effect a resolution of Congress, passed June 17, 1777, providing for the erection of a monument to the memory of General David Wooster, who fell in bravely repelling an inroad of the British forces to Danbury, in Connecticut.

Mr. T. asked for the reading of the following resolution of Congress:

Resolved, That a monument be erected to the memory of General Wooster, with the following inscription:

"In honor of David Wooster, Brigadier-General in the Army of the United States. In defending the liberties of America, and bravely repelling an inroad of the British forces to Danbury, in Connecticut, he received a mortal wound on the 27th day of April, 1777, and died on the 2d day of May following. The Congress of the United States, as an acknowledgment of his merit and services, have caused this monument to be erected."

Resolved, That the Executive power of the State of Connecticut be requested to carry the foregoing resolution into execution, and that five hundred dollars be allowed for that purpose.

Mr. T. remarked that, as the resolution under consideration proposed an inquiry merely, he deemed it unnecessary for him, on this occasion, to do more than briefly state the facts which had induced him to offer the resolution before the House. He said, it appeared by a certificate from the Treasury Department, that the sum allowed to carry into effect the resolution of Congress which had been read, had not been paid to the Executive of the State of Connecticut. Mr. T. stated that he had received information from a highly respectable source, that no monument had been erected in pursuance of the resolution to which he had adverted, to the memory of the distinguished hero named in that resolution, but that his remains now rested with nothing except a rude stone to mark the spot where they were deposited.

The resolution was thereupon adopted.

MONDAY, January 21.

Estimate of Appropriations.

The SPEAKER laid before the House the following letter from the Secretary of the Treasury, viz:

TREASURY DEPARTMENT, Jan. 19, 1822.

SIR: I have the honor to transmit herewith, for the information of the House of Representatives, an estimate of appropriations, proposed for the service of the year 1822, amounting to \$8,891,285 48.

For the Civil List, - - -	\$868,608 43
For Miscellaneous Expenses, -	456,375 60
For Foreign Intercourse, - -	148,000 00
For Military Department, including Pensions, Arming the Militia, Indian Department, and Arrearages, - - -	5,165,896 19
Naval Establishment, including the Marine Corps, - - -	2,252,410 27
	<hr/> \$8,891,285 48*

* In the working of every Government there are, at intervals, certain stand-points, where the statesman and law-giver should make a stand—should stop and consider—should compare the past with the present, and work out conclusions in his own mind. This epoch of 1822, and this expense of working the Government at that time, constitute

JANUARY, 1822.]

Bankrupt Bill.

[H. OF R.]

The funds from which the appropriations for the year 1822 may be discharged, are the following, viz:

1st. The sum of six hundred thousand dollars annually reserved by the act of the 4th of August, 1790, out of the duties and customs, towards the expenses of Government.

2d. The surplus which may remain, of the customs and arrearages of internal duties and direct taxes, after satisfying the sums for which they are pledged and appropriated.

3d. Any other unappropriated money which may come into the Treasury during the year 1822.

I have the honor to be, &c.,

WM. H. CRAWFORD.

HON. SPEAKER of the
House of Representatives.

TUESDAY, January 22.

Bankrupt Bill.

The House then resolved itself into a Committee of the Whole, on the unfinished business of yesterday—the Bankrupt bill.

Mr. SERGEANT resumed his remarks; and begged the indulgence of the House for a few further observations on the subject. The discussion of yesterday, in his view, had led to this result—that the whole of the civilized world, so far as it was commercial, had adopted, with some modification or other, a bankrupt law; and that, whatever modification those nations had provided, the two principal points to which he had alluded were regarded, viz: security to the creditor and relief to the debtor. He did not mean to be understood that there were not specific differences among those laws between the several nations. In respect to the administration of those laws, the differences were considerable; but, after all, the conclusion seemed to be fixed, and that by the common consent of nations, that, where there was commerce, there a bankrupt law must be—not only as a necessity, but as a salutary measure. This consideration was fortified by the fact, that the framers

one of these stand-points, in which a lesson may be found on that cardinal virtue, both in public and private life; to wit: economy. The Government had then been in operation thirty-four years—about one-half of its existence to the present time—its territory had been doubled by the acquisition of Louisiana and Florida, and yet its annual expense was less than nine millions of dollars. Compare that with what has taken place since 1822; with what has taken place in the thirty-four years which have elapsed since that time. Certainly, the word “economy” had an existence in fact, as well as in name, at that time. It was my first year in Congress; and, while “economy” was claimed as a distinctive republican virtue, (for the name of democrat had not then been taken,) I owe it to candor, and to justice, to say, that I saw the same regard for economy in the federal members (for neither had they changed their name at that time) that I did in the republican. Less than nine millions a year for working the Government at that time! including all the heads of public expenditure, except the interest and part of the principal of the public debt, which, being a *debt*, was a separate object to be provided for, and payments on account of it constituted no part of the expense of working the Government.

of the Constitution of the United States, foreseeing the destinies of our country, made this special provision—believing, as they doubtless did, that such a provision would be found essential as the commercial resources of the nation should be developed and expand. In the nations of Europe to which he had referred, other things had changed. Their external relations and their internal government had varied with successive sovereigns; but the principles of this law had remained unshaken. The English bankrupt law was first established under the reign of Henry VIII., at a time when commerce was just springing into life. During the various political commotions—the struggles of party and the ascendancy of faction—this law, instead of being destroyed, had gathered strength and improvement with the progress of time. It had survived the stormy period of the Commonwealth—the usurpation of Cromwell—the restoration of Charles II.—and the revolution of 1688, that placed the House of Orange on the throne of England. In France, it was enacted prior to the revolution. It subsisted during the period of that tempest—was unrepealed by the fluctuating councils of the republic—by the Emperor Napoleon—and is at this time, and ever has been, the law of France, since the restoration of the Bourbons. Before the revolution in France, it is well known that commerce was in a degraded state. It was considered a disreputable employment; and it is rather a matter of surprise that it was carried on at all, than that it should have received any sanction from the Government. It is probably owing to the degradation of trade that we find in the first stages of the bankrupt law such severe enactments, and such a uniform confounding of criminality with misfortune. The Code Napoleon mitigated this severity, and restored to commerce, in a measure at least, that consideration to which it was entitled. The Dutch law on bankruptcy was enacted before Napoleon had placed his brother on the throne of Holland. The Code Napoleon and the bankrupt law had since been adopted in that country, and were now in operation. All these nations, in the different periods, had concurred in the sentiment, that the failing merchant should be arrested in his career, and his property placed in proper hands for the benefit of his creditors. There were specific differences among the various nations, as to the proportions and numbers of the creditors, whose opinion, in regard to the effects of the debtor, should control and bind the rest. In England, it was three-fifths; in Scotland, three-fourths; in Ireland, the same as in England; in France, a majority in number, being three-fourths in amount; and in Spain and Holland, two-thirds of the creditors in number, and one-half in amount, or one-half in number, and two-thirds in amount. Mr. S. also adverted to the different operations of the bankrupt law in the respective nations, and the effect which the acts of the major part of the creditors had in binding the minority and releasing the debtor.

It seems, said he, that the common sense and common justice of mankind had conferred on this subject, and that their united wisdom had produced a uniform result. It might be said that the example of England, and France, and Spain, were entitled to little weight in testing the principles by which a republic should be governed. So far as it applied to principles of government, he would cheerfully admit that those nations were to be regarded rather as beacons to avoid, than as examples to follow. But in pecuniary concerns, that had no connection with politics, he thought their example, uniform as it had been, carried with it great weight and consideration.

But it was time to turn from the Governments of other nations to that of our own. When far off, it was discoverable only as a unit. It gathered magnitude and importance the nearer we approached it; but it was not until we came in view of the domestic and social relations, that its deep and lasting interests were felt and regarded. It was there that the want of such a system was peculiarly and distinctly seen. When the unfortunate and unhappy merchant was left without resource and cut off from hope. When he was surrounded by a family that Providence had made dependent upon him, and at the same time found himself not only unable to supply their wants, but, perhaps, shut up in a prison, with the power of society acting upon him. To relieve calamities like these, the States had sometimes interposed. Mr. S. alluded particularly to the bankrupt law of Pennsylvania, which was made in 1785, before the adoption of the Constitution of the United States. It was then the most commercial State in the Union, and the law continued until 1793, when it expired by its own limitation. The power over the subject-matter was supposed to be transferred to the Government of the United States. Mr. S. referred particularly to the preamble of that law, which he read in his place, as containing the reasons which led to its adoption, and which must be admitted to be cogent in all commercial communities. There was probably as strong a moral sense, and as much intelligence in the State of Pennsylvania in 1785, as there is at present, and yet the law continued in force eight years, and its operation had been regarded as salutary to the people of the State. Unlike the severity of the British law, the law of Pennsylvania did not consider the debtor as necessarily criminal because he had been unfortunate. It was adapted to the circumstances of the State, and to the opinions of the age. The enactment of a bankrupt law in the individual States was not peculiar to Pennsylvania. It had been resorted to, also, in the State of New York—now the largest and most commercial State in the Union. They long kept what was called the three-fourth act, a sort of bankrupt law, but which the Supreme Court of the United States declared they were not competent to make. In Rhode Island and Maryland, laws of the same

description had been long since enacted; and in the State of Louisiana—a new commercial State—a bankrupt law was enacted in 1808, but was condemned as unconstitutional by the Supreme Court of the United States, in the case of *McMillan vs. Minn.* It yet remains upon the statute book of that State. Its principal features were taken from the Spanish law, but it is now a dead letter. How many other States had endeavored to provide such a remedy, he (Mr. S.) could not pretend to say; but it was evident there were the same feelings and sentiments in the United States, as in the other parts of the world. In this country there seemed to be a peculiar necessity and propriety in adopting such a law. Commerce, so far from being disreputable, was considered as an honorable employment. It was useful, and favored by the Government. But the profession was exposed to hazards. There were accidents and disasters which human sagacity could not foresee, and against which human prudence could not guard. If there was no redemption, therefore, by public law, the merchant might be deemed perpetually liable to ruin, in its most extended sense. Nor are himself and family only involved in it. It may extend to all those to whom he is indebted. Whoever has often seen mercantile failures, knows that there is a sort of blindness or infatuation that seems to affect them. The insolvent is unwilling to penetrate his situation, or to believe it as hopeless as it really is; and hence he lingers with some chimerical, undefined hope, till his affairs have become more deeply involved, and his embarrassments utterly irretrievable. He is perhaps the very worst person that could be selected to judge of his own affairs. He is led by the delusion to keep up his credit as long as he possibly can; and yet to him is confided the uncontrolled power of disposing of his estate. He may waste it, destroy it, or put it beyond the reach of his creditors, and when he comes to the final step of an assignment, he has then the power to make his preferences, and to provide for the circle of his friends, while his distant creditor, perhaps equally meritorious, is left without redress or hope of payment. What is the consequence? It is now become a usage, so common as almost to have acquired the force of law, that endorsers and lenders of money are first to be paid. What but this has created the fictitious capital so deeply felt and deplored throughout this country? What but the loan of names, by which a credit is obtained, and money drawn from a bank? And yet, in case of insolvency, these persons, who, by lending their names, create the evil, and enable the fictitious capitalist to borrow money, and thereby hold out false colors to decoy the unwary, are first to be paid; and perhaps the very goods that were sold to him on a credit, bottomed upon the loan, are sold at auction after the insolvency, to repay the loan, that lured the vender to sell. That these are evils will not be denied; but would a bankrupt system correct

JANUARY, 1832.]

Bankrupt Bill.

[H. OF R.]

them? Mr. S. believed it would. It would distribute the effects of the debtor equally among his creditors. It would cut off undue preferences, pay to all their proper proportions, and stop the bankrupt from appointing his own assignees, and from prescribing terms to his creditor.

Mr. S. then adverted to the operation of the certificate of discharge, which would doubtless be in the minds of all. Its operation, he admitted, would be to cut off the creditor from all future claim. But he would try this, as a practical objection, and test it by experience. He would ask the question, what is the value of a claim against a failing creditor now, after an agreement has been made and acted on? Precisely what it would be after a certificate of discharge was given. After an assignment the debt subsists—so it does after a certificate of discharge. The moral obligation remains unextinguished; and it has been held in the courts of law, that, upon a new promise to pay a debt, after a certificate has been obtained, is a sufficient consideration to support the action. The certificate doubtless bars the legal claim, but if the sense of honor will induce a man to pay after an assignment, it will be equally operative after a discharge. It is notorious that society draws a line of distinction between debts created before and after a failure; and the payment of debts after assignment creates as much surprise, and is marked with as much emphasis, as if it had been done after a discharge. This consideration had, in his opinion, been greatly overrated, and more importance was attached to it, than experience would warrant. It was not only private creditors, however, but the Government also, which was interested in the adoption of the law. He alluded to the collection of the revenue. In case of death or public bankruptcy, where the property is subject to a dividend pursuant to law, the Government is entitled to a preference. But the case is otherwise where the failing debtor takes the law into his own hands, becomes his own commissioner, and makes such preferences as his own will and pleasure may dictate. In this way the Government may lose, and has already lost, very great sums of money. Mr. S. would not undertake, at this time, to anticipate the various objections that might be raised to the bill. Some had thought that, because it contained within itself severe enactments against fraud, that it presupposed it productive of fraud. If he (Mr. S.) thought it was calculated to generate fraud, he would by no means support it. But it was not obvious that a bankrupt law was more liable to frauds than other modes of coercing payment. Was it an objection to an execution, obtained by ordinary process of law, that the debtor may be guilty of fraud to evade it? It was so liable, Mr. S. contended, as the practice that now prevailed, where the bankrupt was left to make the law for himself. In the way in which the examinations were taken in England, great and frequent fraud were unquestionably practised.

This was owing not so much to the bankrupt law, as to the growth of crime in that kingdom. The root of the evil was in the state of society. The Lord Chancellor has the sole cognizance and direction of the law throughout the realm. The examination is *ex parte* and in secret, and the merchant is ignorant of the proceeding until he finds his name in the gazette, published as a bankrupt. If he then wishes to contest the legality of the commission, he must petition the Lord Chancellor to avoid it. No such provision was to be found in the bill before the House; and it was strange indeed that it had ever obtained among the enlightened jurists of England. Another mischief arose in the administration of the bankrupt law in that kingdom, in relation to what were called country commissions; or such as arose out of the city of London. In those cases the commissioner was appointed by the solicitor; here he is appointed by the President of the United States. There the business was transacted without regularity, in the midst of noise; and the commissioner at one table would perhaps turn round and be a solicitor at the next; but no such mischief could exist under this bill. Another appalling objection had been, the cost and expenses of an English commission. It was indeed enormous—but so were all their modes of justice, and particularly all their chancery proceedings. It had been also said, that bankruptcies occasioned delay; but it was difficult to conceive that there should be more delay on this case than under a voluntary assignment. The weightiest argument, however, and that which seemed to have sunk deepest into the minds of the people against the bill, was the operation of the law of 1800.

Mr. S. here took occasion to advert to what he believed had proved, in its effect, the strongest argument, with many persons, against the passage of a bankrupt law, viz: The unpopularity of the former bankrupt law, which, he argued, ought to be attributed to circumstances not really affecting the merits of that system. The law establishing it passed in the year 1800, and was limited, in its duration, to the year 1806, but was repealed in December, 1803; so that time was not allowed for a fair experiment under it. The law was passed, too, at a time of as great party excitement as ever existed in the United States; it made its appearance in the midst of the ferment occasioned by other measures; and the bankrupt law of 1800 is never thought of by many without associating it in idea with other measures of that day, which had no necessary connection with it. It came into existence amidst the storm of angry passions rushing over the land; and from the moment it made its appearance, as the two parties brought every thing to a party test, it had one of these parties for its friends and another for its enemies. From this circumstance, a prejudice had arisen against a system of bankruptcy, which ought not now to have any weight, it not having now any party aspect. The objec-

tions, in general, which were made to this bill, Mr. S. went on to argue, applied with equal force to the existing systems in the United States, which were as fertile in frauds and in litigation as this system could be supposed to be. What, he asked, was the attachment law of some of the States? What was that of Pennsylvania, which had been on the statute book for many years? It was an imperfect mode of attempting the same thing which a bankrupt law would more perfectly accomplish. The necessity was felt, in that State and elsewhere, of some mode of laying hold of the property of those who show, by secreting their property, or by absconding, that they are in the act of failing. In Massachusetts, also, there is an attachment law, the import of which he did not precisely know. There was one in New York, too, which he understood authorized the creditor to seize on all the effects of the absent or absconding debtor. Mr. S. here quoted the provisions of the law of Pennsylvania, authorizing, among other things, that, on the debtor's concealing himself, a general warrant may issue, &c. This, Mr. S. said, was the very act which was supposed to be so alarming in the bankrupt law, but which in that law, as well as in the State laws, was intended to prevent fraud and litigation, &c. He anticipated the argument that, if the States could pass such laws, it was not necessary for Congress to act upon the subject, by saying, that the State laws would neither be uniform nor general in their operation, being confined to the limits of the respective States, &c., and therefore could not be an efficient substitute for a system of bankruptcy. The fact, however, that means precisely the same were employed by the States, to the extent of their power, as those now proposed to be made general and uniform, by an act of Congress, went far to answer that objection to this bill.

Mr. STEVENSON said that he would proceed briefly to the consideration of the principles and leading provisions of the bill.

This was, in effect, the English system of bankruptcy, differing only in some of its details, and in the nature of its punishments and prohibitions. He objected to it in toto. 1st. Because it had wholly failed in its operation in England, (where it could be more easily enforced than in this country,) and would consequently fail here. 2dly. That it was a system filled with mischief and fraud, not suitable to our notions of civil liberty or the principles of our jurisprudence, nor the morals, manners, or habits of the people.

Let us see, in the first place, how the system has operated in England. And here, Mr. S. said, before he proceeded further, he would beg leave to say one word in answer to that part of the argument of the gentleman from Pennsylvania, (Mr. SERGEANT,) as to the effect of the bankrupt laws of France, Holland, and Spain. Those countries were not like ours. Their Governments are despotic, ours limited and con-

finer. There they had no security for rights of persons and property, (but discretion of ruling power,) here constitution—in protections and safeguards. Their principles of civil liberty and jurisprudence wholly different from ours, as well as the morals and habits of the people. The effect of their laws ought to have no influence here; and we should look, if anywhere, alone to that country, from whom it is said we borrow the system, and whose Government, laws, and people, are nearest our own. That the bankrupt system has not been beneficial in England, Mr. S. said, could be easily shown. And as it was matter of fact, rather than argument, he had lately examined with some labor and care the minutes of evidence taken before the select committee of the House of Commons appointed to consider the bankrupt laws and their operation, in the year 1818; from which he had taken some extracts, which he should ask leave to read to the committee. As to the character of this evidence, and the weight it should have, Mr. S. said he could not do better than give the words of the committee in their report to the House of Commons:

"Your committee did not consider themselves at liberty to contemplate merely the case of particular and insulated defects, but felt themselves under an obligation to take a general and comprehensive view of the whole system of proceeding under the present constitution of the bankrupt code. In the prosecution of their inquiry, your committee have sought that information which was to direct their judgment from professional men of extensive experience; and while your committee confess their unfeigned admiration of the truly upright and disinterested manner in which these gentlemen have delivered their evidence with respect to a system for the continuance of which they might naturally be expected to feel some predilection, your committee cannot too earnestly recommend that evidence to the attentive consideration of the House."

Mr. S. then read various parts of the evidence referred to. He began with Basil Montague, the first witness, who said:

"That he believed it was common for the most undeserving bankrupts to obtain their certificates by fraudulent and improper means, to the great injury of the good creditor, and to the great injury of public justice; and he thought that it frequently happened that dishonest bankrupts, from having recourse to means from which honesty would recoil, had greater facility in obtaining their certificates than honest men possess."

J. F. Vandercorn was of opinion that the majority of "commissions were issued with the concurrence, and at the request of the bankrupt. He said that it often happened that the affairs of a bankrupt were in such a state as that, however unwilling he might be to fall under the odium of a bankrupt, he saw it to the advantage of his creditors and himself to acquiesce in the measure, and therefore he managed as he was directed to do, and an act of bankruptcy was committed."

Geo. Lavie.—"He said that, as the bankrupt laws are at present administered, they afforded advantage to no one except to bankrupts. Being asked whether his prepossession against the bankrupt laws did not

JANUARY, 1892.]

The Bankrupt Bill.

[H. OF R.]

sies from a strong opinion of their general insufficiency, he answered, most certainly; and he said he saw a great deal of it in the early part of his life, which had led him to the opinions he now entertained of the total inadequacy of the bankrupt laws, as now administered."

A. Waithman.—The following interrogatory put by the committee: "Are you of opinion that the bankrupt law, as it now exists in this country, is a scandal and disgrace to it?" "I have long considered it so; that it has held out a great inducement to dishonesty. Mr. Townsend, the Bow Street officer, once told me he had a conversation with Major Sample, who said: 'Why, sir, I have been a fool all my life; I have not known how to go to work; I have been running the risk of my life for trifling things; but if I were to begin my life again, I would open a shop as a trader or merchant, and become a bankrupt, and make my fortune at once.'"

J. Ingram Lockhart, a member of Parliament, and one of the committee.—"The observations which I have to offer to the committee were written three years since, have been but little varied, and are the result, partly of an experience in country commissions, and partly, but chiefly, of frequent thinking on the subject. I have, in almost every commission in which I have been named, found that the bankrupt had acted with great injustice towards his creditors, generally with dishonesty and fraud, and always with imprudence and carelessness, of the wreck of his substance, which in fact was not his own, but theirs; and this conduct I can only trace to one cause, and that is, the facility with which almost every bankrupt goes through the operation of his commission, and the situation he is generally found in after his last examination, and the appearance he is enabled by some means to make, and the connections he renews after his bankruptcy. The want of due investigation into his conduct, of a discrimination between the dishonest and unfortunate, appear to me to be a radical fault in this system of the bankrupt law, pervading the whole of it, and producing the most pernicious effects on the morals of the subjects of this realm."

Archibald Cullen.—The committee will be happy to hear your ideas on the subject of the bankrupt law. He answers: "The bankrupt law was introduced with a view to prevent and punish the frauds of debtors, and to distribute their property equally among all their creditors. But it has not succeeded. However wise the original plan may have been thought, yet it does not now, even with all its subsequent alterations and accessions, appear to effect either of the objects which it professed; the property is not forthcoming, or is wasted; the same frauds still exist, neither diminished nor punished; and a new class has sprung up, engendered by the very proceedings which have been instituted to prevent them; so that the prominent and growing evil of the present day, with respect to debtor and creditor, appears to be the bankrupt law itself."

This said Mr. STEVENSON, is the evidence of some of the most distinguished solicitors, counsellors, and commissioners of England, upon the effect of their system of bankruptcy; to which I beg leave to add one additional authority, that of Lord Chancellor Eldon, (reported in Vesey.)

"The Lord Chancellor took the first occasion of expressing strong indignation at the frauds committed under cases of the bankrupt law, and his determina-

tion to repress such practices. On this subject his Lordship observed, with warmth, that the abuse of the bankrupt laws is a disgrace to the country, and it would be better at once to repeal all the statutes than to suffer them to be applied to such purposes. As they are frequently conducted in the country, they are little more than stock in trade for the commissioners, the assignees, and solicitor."

Mr. S. said he would also refer, whilst he was on this part of the subject, to the report of the committee upon the subject of the bankrupt law in Ireland, to which the gentleman from Pennsylvania on yesterday had allusion; from which it would appear that the system had failed, not only in England, but Ireland:

"It will be seen (says the report) that, although much and very material evidence has been collected upon the operation of the bankrupt law in Ireland—establishing grievances of the most serious description, and, indeed, the total failure of the plan for any beneficial consequence, your committee have not proposed any measures to meet the evils which are the subject of complaint; they therefore feel it due to the House to state, that they regard the statute by which the bankrupt system was established in Ireland, as of so modern a date, compared with the English statutes, that it occurs to your committee that it might be proper to establish an entirely new system instead of the one which has proved so unsatisfactory; but, as it is essential that such a system should be formed with reference to local circumstances, and to principles of jurisprudence in a great degree peculiar to that part of the empire, and not familiar to your committee, it has appeared to them most respectful to the House merely to submit the evidence, and to leave ulterior measures to those who may be better qualified to form a judgment with respect to the alterations which it would be most for the public interest to adopt."

Have we not already had one proof that this system, which is now urged upon this House as an experiment, has totally failed after a full and fair trial? The gentleman from Pennsylvania (Mr. SERGEANT) felt the force of his objection, and ingeniously endeavored to avoid it, by impressing the House with the opinion that the old bankrupt law of 1800 was the offspring of party, and was ushered into being amidst the storms and excesses of party spirit, and therefore unpopular, &c. Of this fact, Mr. S. said he could with certainty say nothing, being too young to know any thing personally of the occurrences of those times, but he might venture to say that, from the course of events which succeeded the coming in of the Republican party, that the gentleman from Pennsylvania (Mr. SERGEANT) was mistaken in the fact. We all know, Mr. S. said, there were certain laws which passed under what was termed the Federal Administration, and believed to be of a party character, which were consequently unpopular to the new administration, and continued to be so until repealed; the judiciary and bank laws Mr. S. particularly alluded to—the one was directly repealed, and the other expired. But if this bankrupt law had been considered, in those days of heat and contest, as

a party measure, and intended as such, to be saddled on the nation by a party going out of power, rely on it, among the first acts done by the new administration, would have been the repeal of this law—it would have been expunged from the statute book which it stained, and not suffered to linger out an existence of so many years. Mr. S. said he therefore felt justified in saying that the fact was not as the gentleman from Pennsylvania (Mr. SERGEANT) had supposed; the law of 1800 was passed, (and he said it too in honor of the Congress that passed it,) from other and better motives—as an experiment called for at that time by the commercial part of the country, and which expired under the weight of its own sins. It ought then to be considered as a fair experiment, which the enemies of this bill had a right to claim, and which should have weight with the House.

THURSDAY, January 24.

Militia Fines.

Mr. BUCHANAN submitted for consideration the following resolution:

Resolved, That a committee be appointed, whose duty it shall be to inquire and report to this House the causes why no part of the sum of \$248,609 41, the amount imposed as fines by courts-martial, held under the authority of the United States on militiamen within the Commonwealth of Pennsylvania, for delinquencies which occurred during the late war with Great Britain, has yet been received into the Treasury; how much of the said sum has been collected from the delinquents by the late marshal and the present marshals of Pennsylvania, and their deputies respectively, and what are the names and places of residence of such deputies; how much of the money collected remains in the hands of the deputies, and how much has been paid over by them to their respective principals; who are the sureties of the late marshal, John Smith, and of his deputies, respectively; what is the amount of each of their bonds, and what is the prospect of recovering the whole or any part of the money remaining in their hands; what causes have heretofore prevented the institution of suits against the said John Smith, his deputies, and their sureties, to recover the militia fines retained by them, respectively; and under what authority, by whom and to whom, the sum of \$41,581 77 has been paid out of the said fines to defray the expenses of the courts-martial by which they were assessed.

In offering this resolution, Mr. BUCHANAN said, that a sense of duty, and not a desire to give trouble and cast reflections upon any officer of this Government, compelled him to bring before this House the subject of the collection of militia fines from delinquent militiamen in Pennsylvania. He would, he said, state the facts connected with it, and which were so many reasons why the resolution should pass, without doing more at the present time. The State of Pennsylvania during the late war furnished her full proportion of men and of money to the General Government, to enable them to carry on the contest. She furnished more than her quota of volunteers and militia. It however

happened, that, owing to the pious and peaceful habits of the people of that State, conscientiously scrupulous of bearing arms, there occurred, in obtaining the number of men required by draught, a great number of delinquencies; which were more than made up by volunteers. It followed, therefore, that while Pennsylvania, as a State, can with pride and with pleasure declare that she fulfilled, in the most ample manner, all her federal obligations, yet there was a very large proportion of her citizens fined as delinquent militiamen. From the letter of the Secretary of War, of February 14, 1821, it appeared that out of nine States, on the citizens of which militia fines were assessed, and from eight of which returns have been received, the fines assessed on citizens of Pennsylvania amount to a larger sum than all the fines assessed on the citizens of seven of the States:

The assessment on Pennsylvania	
amounted to - - - -	\$248,609 41
On New Hampshire, New York,	
Maryland, Virginia, Ohio, Ken-	
tucky, East Tennessee, West	
Tennessee, to - - - -	240,076

These fines were assessed, chiefly, if not altogether, within the years 1813, 1814, and 1815; and, strange and wonderful as it may appear, not one cent of that large amount assessed on citizens of Pennsylvania has yet reached the Treasury of the United States. It is within my own knowledge, said Mr. B., that very large sums of this money have been collected by the deputy marshals, and much distress has been spread over the country in levying these fines from the poorer classes of the citizens within our State. It is very natural that every State in the Union, particularly Pennsylvania, should be anxious to have the darkness which hangs over this subject dispelled, and the guilty agents exposed to the light of day. It is possible that by an investigation something may be obtained; if not, the authors of the shameful frauds which have been perpetrated will be dragged from the concealment in which they now lurk. On the 4th of December, 1820, at the instance of a gentleman from Pennsylvania, a resolution was passed by this House, calling on the Secretary of the Treasury for information on the subject, which for some cause or other remained unanswered, but on the 2d of January, 1821, was renewed. And, said Mr. B., what answer has been given to it? It consists of six clauses, answers to which would embrace all the information we desire. The answer to the first is a letter from the present marshal, which Mr. B. read; from which, he said, it appeared that almost three years had been suffered to expire since this communication, and it does not appear that any measures have been taken to secure the books and papers.

The department could therefore communicate no information on the subject. The second query, how much money had been received into the Treasury, on account of these fines, was easily answered; not a cent had been re-

JANUARY, 1822.]

The Bankrupt Bill.

[H. OF R.]

ceived. The third query the department is unable to answer, except that \$3,671 80 is in the hands of the present marshal, and \$2,546 60 in the hands of Lewis Deffenbach, one of his deputies in Bucks county. The fourth query, as to the names of the deputies and the sureties of the late marshal, was not answered. Indeed, it appeared that the department never either inquired or knew who were the sureties of the marshal, or who were his deputies or sureties. It appeared, further, that no action had ever yet been instituted against the late marshal or his deputies on these bonds, except against one of the deputies. The object, therefore, Mr. B. said, of his resolution, was to obtain the information which the former vote of the House had failed to procure, &c.

The motion of Mr. B. was agreed to, and Messrs. BUCHANAN, MOORE of Pennsylvania, NELSON of Maryland, DUFFEE, and RICH, were appointed the committee.

FRIDAY, January 25.

The Bankrupt Bill.

The House then again resolved itself into a Committee of the Whole on this bill.

Mr. A. SMITH, of Virginia, rose, and moved to strike out the first section of the bill; and the question thereon having been stated—

Mr. A. SMITH, of Virginia, rose to address the Chair. He commenced his observations by remarking that he regarded this bill as containing a proposition that was calculated to sacrifice the liberties of the people, to destroy personal security, and the security of property; to abolish the mild and equitable systems of jurisprudence which the wisdom and policy of the States had ordained; to take the administration of justice out of the hands of independent judges, and to transfer it to obscure and irresponsible commissioners paid by the day. It changes, said he, the civil code of the country as to the collection of debts, conflicts with the administration of justice under State authority; with the acts against fraudulent conveyances; with the remedies in chancery for setting such conveyances aside, and transfers those to the federal courts. He considered it as a foundation on which nothing good could be erected; and the details of the bill, having received the deliberate approbation of its friends, having had their sanction in England and in this country in 1800, in 1818, and 1820, will be considered as necessary parts of the whole system, and if it can be shown that they are productive of mischief, it will prove that the whole system is radically wrong.

Under the British system, and the bill on the table, the first inquiry presented was—who may become a bankrupt? The term merchant was well understood. It was susceptible of precise definition. But this law had received such a construction that, although it purported to be confined to them, it was in reality extended to

others. If a man deals at all, he is subject to the liabilities of the English bankrupt law; nor does that liability depend upon the extent of his dealings. By the British system, a buying and selling brings a man within its provisions. If a piece of cloth is severed, and one part of it is taken to the bleacher's to be whitened, and the other to the dyer's to be colored, the latter is held to be liable to the enactments of the bankrupt law, and the former is not—and the reason given is, that the bleacher bestows only his labor, and the dyer incorporates with it his colors, which brings him within the purview of the act. The bill on the table, it is admitted, contains various exceptions, and is so framed as to avoid this distinction. But every one who buys and sells, however small his profits, compared to his other income, and however few the instances of his buying and selling, is liable to be a bankrupt, unless he comes within some one of the particular exceptions. But, although none but merchants are entitled to partake of what are called the benefits of this law, yet it is far from the fact that no other class of the community is affected by it. By the English system, buying and selling horses will subject the farmer to bankruptcy; and a brick-maker who rents a piece of land and makes and sells bricks, will also be liable. The reason of these cases will subject persons to the operation of this bill who little apprehend such a consequence.

There was another objection to the bill of no small importance. It was an objection of a negative character, for the bill contained no provision that a corporation, for instance a bank, should be a bankrupt—and this provision, whenever such a bill was about to be passed, ought to stand at the head of it. If there existed any case in which such a law would be justifiable and expedient, it would be in the case of a banking corporation. It was a duty imposed on Congress by the constitution, to regulate the currency of the country, and they ought as far as in them lay, to restore soundness to the currency of the United States. But instead of extending the provisions of the bill to banking corporations, it was restricted to merchants, traders, and such others as were specifically enumerated.

Mr. S. contended that the principles of the bill were an invasion upon the rights of man—and he would first pay attention to the weaker sex. It was an unquestionable error of the common law that it did not sufficiently guard the just rights of the fairer part of the creation. By marriage the husband acquires the whole personal estate of the wife, and, if he becomes entitled to take as tenant by the courtesy, he has the whole of his real estate during his life; whereas, if she survives him, she takes only one-third part of his lands for life, as dower, and a part of his personal estate, which is fixed by law.

In Virginia, a man without a cent marries a lady having one hundred slaves; if she dies to-

morrow, the slaves are all his; but should he die to-morrow, and she survive, she gets back one-third of her own slaves for her life only. This, Mr. S. contended, was monstrous injustice, and it would be still more monstrous to extend the evil instead of applying a remedy. Yet, such would be the natural and inevitable tendency of the bill. Instead of softening the rigor of the common law, it gave new severity, and impaired those few privileges of women which the common law and laws of the States had left. By the common law, choses in action, such as debts, stocks, and the like, survived to the wife in case the husband did not reduce them to possession during his life. But, by this bill, the assignees may come in, and sweep away from her all that the delicacy, or honor, or sense of justice of her husband had spared. It takes for the payment of the husband's debts what does not yet belong to the husband—what would survive to the wife if she should outlive the husband; and thus adds to the injustice of the common law. By the Spanish law, when the husband was made a bankrupt, the wife was entitled to dower. It was a provision characteristic of the chivalry of a gallant nation, and deserving of example. If the law, said Mr. SMYTH, is to be made for the merchants and for their benefit alone—then, on them only should it operate. But how does it stand? I represent, said he, a large district, which contains fifty-five persons engaged in mercantile pursuits—merchants, pedlars, and merchants' clerks, and near ten thousand persons employed in agriculture. The fifty-five are, to those engaged in agriculture, as one to one hundred and fifty. If, indeed, that small proportion wished for the passage of the law, and they only were to be affected by it, it would not be so objectionable. But the difficulty is, that all the rest of the community must severely feel its effects. A merchant becomes bankrupt at Richmond, and has a debtor four hundred miles in the interior, who is dragged that whole distance to answer to such interrogatories as the commissioners may, in their wisdom, see fit to propound. Again—if he disputes the claim made against him, he is liable to a heavy punishment by forfeiture of double the value of the debt claimed, on the ground of concealment. Nor is this all. The doors of any man in the community may be broken open on suspicion, either real or pretended, that the bankrupt is within. The sanctuary of private repose is liable to invasion, and so far from his house being his castle, according to the maxim of the English law, it is subject to be violated by every minion of authority. In England no one can, at any time, break and enter but the sheriff. He is a known public officer. But here the person who is to exercise this great power is not even sworn. He is the creature of the commissioners, and he derives from them his authority. Sworn officers cannot be had. It would require one thousand in the United States duly to execute this system; yet to these

unsworn and irresponsible persons is confided this tremendous power. Again—a trustee undertakes, with the most benevolent motives, to manage an estate. Within ten days he must disclose it, and if he fails to do so, although through ignorance, not knowing it to be his duty to disclose the trust, yet he is liable to a heavy forfeiture of twice the value. The farmers, also, are subjected to another great inconvenience. When they contract a debt with a merchant in the same State, they are liable to be sued only before the State courts—but, by an act of bankruptcy on the part of the merchant, they will become liable to be sued before the federal court, and subjected to all the increase of cost, trouble, and expense, that must necessarily attend it. This bill violates the rules of evidence. It gives a remedy for a single contract debt, barred by the statute of limitations, on the mere affidavit of the creditor, and on such an affidavit of such a debt, the person against whom it is claimed may be declared a bankrupt. A certified copy of the commission and assignment is made conclusive evidence that the party is a bankrupt, although declared so without a hearing, and in his absence.

But it had been urged as a strong argument in favor of the law, that it provides a relief for the unfortunate debtor. If this suggestion were founded in fact, he should look to the bill with a more favorable eye. But he had examined it with attention, and he could find nothing in it decidedly favorable to the debtor. It was altogether in favor of the wealthy merchants. This would be found in every section. So far from being favorable to the debtors, it was hard and cruel and severe upon them, especially those of the middling class. Mr. S. would agree that those who were now insolvent were anxious for its passage; but if they thought it could afford them relief, they deluded themselves. They were not included in its provisions. The law did not apply to those who were already insolvent. To take the benefit of it they must be "actually using" the trade of merchandise. But those who have already failed, cannot be said to use, in the present tense, the trade of merchandise. That time has passed by—or should they undertake it again, yet they would be cut off by another provision—for those who may have become traders, for the purpose of taking the benefit of the law, are, by the 84th section, specially excluded from it. All present insolvents, who are not now traders, are forbidden to expect protection from a certificate obtained hereafter. Their hopes are blasted. A certificate will yield them no protection; and, what is worse, this question may be raised in every case. Nor is the certificate available, if there has been fraud or concealment, which of course is liable to endless question. Again: The bankrupt is not entitled to a certificate, unless the commissioners will certify that he has made a full discovery. This admits of great latitude of construction. They must certify positively in a case in which positive knowledge is difficult

JANUARY, 1832.]

The Bankrupt Bill.

[H. OF R.]

to obtain, and the want of which nothing else can supply.

There was no constitutional power, Mr. S. contended, to discharge a man from his debts. This was a Government of delegated powers. It was not like original sovereign States who had all powers; but such powers as were not expressly given, were reserved. The question then here is, where is the constitutional authority to take the property of A and to give it to B? Is such a power expressly given? No; it will not be pretended. Is it given by implication? No; it is forbidden by strong implication. The States were prohibited from impairing the obligation of contracts; and can the General Government prescribe to others moral obligations to which it is not bound itself to yield obedience? Can Congress say that, from and after the passage of a law, a horse belonging to A shall belong to B? Such an act would be a violation of those social and fundamental principles on which the Government is based, and by which it is held together. Such an act would be not only beyond the power of a Legislature, but even a constitution; or the people themselves could never sanction it. The obligations of justice and right are paramount to all others. Even the people, in their primary and collective capacity, have no power to divest individuals of their rights or property. A debt is property, and is subject to the same rules, and entitled to the same privileges and protection. It is provided that this Government cannot take private property for public use, without giving to the owner a fair and adequate compensation. It is also true, as I contend, that Government cannot take private property for private use, even with compensation, much less without it. No Government has the moral right to do injustice of this kind. It may have the power to effect it, but to exert that power would be an act of tyranny.

The insolvent laws of the States Mr. S. believed, were preferable to a general system. They were adapted to the situation and circumstances of those on whom they were to operate; whereas, this law was of an arbitrary character—it was cruel, and abhorrent to the feelings of a free and generous people. We ought not to familiarize ourselves to laws of this kind. It was a part of our constitution that excessive fines should not be imposed, nor cruel punishments inflicted. And yet, turn to the nineteenth section of the act, and you find four several offences which a bankrupt may commit, punished with ten years' imprisonment. Is this in the spirit of our humane institutions? The ordinary punishment for perjury is three years' imprisonment; but, in the case of a bankrupt committing perjury, the punishment is ten years' imprisonment; and, such are the singular provisions of the bill, that, wherever the debtor or his friends swear false, the false oath is declared perjury; but wherever the creditor or his friends swear false, it is no offence at all, as, on examining the second, fifth, seventh, twenty-first, and

thirty-sixth sections, you will perceive. At least, it is made no offence by this bill. Is this equal and exact justice? Mr. S. also adverted to other harsh features and excessive forfeitures that the bill provided, among which was \$1,000 for concealing, or even receiving the bankrupt. Suppose a kind and indulgent father is reduced from affluence, and seeks protection from pursuit under the roof of an affectionate son—a son who had been supported by his tenderness and nurtured by his care. He appears at the gate, and asks for admittance. Shall the son refuse him? If he receive him, he is ruined. The fine that hangs over him beggars him and his children. If he denies him he agonizes his own heart, and stains his reputation with black ingratitude. And shall a law be passed making filial piety a crime—a law which cannot be obeyed without incurring dishonor? It was a cruel and iniquitous system. But, by these remarks, he would not be understood to implicate, in the remotest degree, the gentleman (Mr. SERGEANT) by whom the bill was reported. It was taken from the British law, and remodelled after the act of 1800. Not a clause of it was from the pen of the gentleman from Pennsylvania. A difficulty lay in the system, it being the English system, which it was not in the power of human capacity to render beneficial to society. It was a system calculated only to fill the pocket of the merchant creditor; and, by referring to the details of the bill, it would be seen that many of the enormous forfeitures and penalties which it prescribed, went to the use of the creditors, so that they might even grow rich upon the violations of the law. Every thing was brought within the creditor's grasp. Not even the *habeas corpus* was spared; that constitutional safeguard of our rights was liable, by the fortieth section, to be suspended, and the security it yields destroyed. The course of the administration of justice was to be changed; the courts of the United States are to take the place of the State tribunals, and a new and productive source of litigation to be opened. It would, indeed, be speedy, so far as it regarded the man, for he would be speedily destroyed; but not so the cause. The old law was in operation but eighteen months, and yet eighteen years did not terminate all the cases that arose under it. It had been said by the gentleman from Pennsylvania, (Mr. SERGEANT,) that that act was a party measure. He (Mr. SMYTH) would agree that it was so in its enactment, but not so in its repeal; and he adverted to the ayes and noes on the question, to prove that it was repealed by a large majority of both parties.

But there was another constitutional objection that, to his mind, was insuperable. The constitution provides that the judicial power of the United States shall be vested in the Supreme Court, and such courts as Congress shall, from time to time, ordain and establish; and that the Judges shall be independent in the tenure of their office, and shall receive a fixed

H. OF R.]

General Jackson and Judge Fromentin.

[JANUARY, 1822.]

compensation. Under this bill, a large number (probably not less than 8,000) of judges are to be appointed, by the name of commissioners. These persons will be in fact judges. Judicial powers are confided to them, and they have been recognized in England as courts of justice, exercising equitable powers. Their courts are not indeed courts of record in that country, but they would be so here, for copies of their proceedings are made evidence. By the express terms of the bill they are recognized as exercising judicial power. They are said to "adjudge," and their acts are spoken of as "judgments." A judge is he who applies the law to the facts of a particular case, and declares the result. Can there be a doubt that that declaration which divests a man of property and liberty in pursuance of a law, is a judgment? Then, if these commissioners exercise judicial power, they cannot be appointed by the President alone; the concurrence of the Senate is also necessary. Their tenure of office should also be during good behavior, and, instead of receiving hiring wages, at five dollars per day, as the bill provides, they should have a compensation pursuant to the constitution, which should be neither increased nor diminished during their continuance in office.

In addition to all these objections, there was another, which to his mind was of still greater importance. It was an objection that lay at the foundation of our free and equal institutions. This bill proposed to incorporate the mercantile community with a system of laws peculiar to themselves—to embody them together, and to separate them from the rest of the community. It was calculated to subject the middling class of traders to the power of the wealthy merchants, and to give to the latter distinctive and corporate powers. They would be as completely a corporation as the Bank of the United States. And what would be the effect? The merchants have already, as one of them formerly told us on this floor, nineteen-twentieths of the movable property in the country, and all the banks. The result would be that the banks would govern the city merchants, the city merchants would control the merchants of the country, and the latter, in their turn, would give law to the rest of the community. Of all aristocracies, a moneyed aristocracy was most to be avoided—and never could it be wise in this Government to amalgamate the force of this powerful order, and give to it an interest and sympathy diverse from the rest of the people. If, unfortunately, such a body should be so organized, it was not difficult to discern that they would, ere long, fix the Government of the United States, and control its destinies.

TUESDAY, January 29.

Carver's Grant.

The House then agreed to take into consideration the resolution submitted yesterday by Mr. WALWORTH, calling for information re-

specting the pretended titles of the heirs of Jonathan Carver, of certain lands near the falls of St. Anthony, on the Mississippi River.

Mr. W. stated that frauds were committed, and innocent purchasers drawn in by persons pretending to a title to these lands. His object was, that such information might be given, through the medium of this House, as might forewarn purchasers of the falsity of the title.

Mr. COLDEN thought it improper for this House to undertake to decide upon questions of title. He would not even take a course that might prepossess public opinion one way or the other on such a question. It was a matter not within the province of Congress. He, therefore, moved to strike out the word "pretended," and to insert, after the word "claim," the words "made by," before the words "the heirs."

The amendment prevailed, and after a few remarks by Mr. TRACY, who doubted the propriety of even making an inquiry into this title more than into titles to other lands claimed by individuals, the question was taken, and the resolution adopted.

General Jackson and Judge Fromentin.

A Message received yesterday, from the PRESIDENT OF THE UNITED STATES, was read, and is as follows:

To the House of Representatives:

In compliance with the resolution of the 2d instant, I transmit a report of the Secretary of State, with all the documents relating to the misunderstanding between General Jackson, while acting as Governor of the Florida, and Eiegius Fromentin, judge of a court therein; and also of the correspondence between the Secretary of State and the Minister Plenipotentiary of His Catholic Majesty, on certain proceedings in that Territory, in execution of the powers vested in the Governor by the Executive, under the law of the last session, for carrying into effect the late treaty between the United States and Spain. Being always desirous to communicate to Congress, or to either House, all the information in the possession of the Executive respecting any important interest of our Union, which may be communicated without real injury to our constituents, and which can rarely happen, except in negotiations pending with foreign powers; and deeming it more consistent with the principles of our Government, in cases submitted to my discretion, as in the present instance, to hazard error by the freedom of the communication rather than by withholding any portion of information belonging to the subject, I have thought proper to communicate every document comprised within this call.

JAMES MONROE.

WASHINGTON, January 28, 1822.

Mr. WHITMAN moved to refer the Message, with the documents accompanying the same, to the Committee on Foreign Relations, with instructions to designate in their report such parts thereof as, in their opinion, it might be proper to publish.

Mr. BALDWIN thought the part which related to any controversy between General Jackson

JANUARY, 1832.]

Vaccination, &c.

[H. OF R.]

and Judge Fromentin should be referred to the Committee on the Judiciary, and the residue only to the Committee on Foreign Relations.

Mr. WRIGHT wished to refer it to the Committee on Foreign Affairs, and Mr. BUCHANAN to the Committee on the Judiciary. Messrs. WARFIELD and SERGEANT thought, if one part of the communication was referred to the Committee on the Judiciary, because Judge Fromentin was concerned in it, the correspondent part of it should be referred to the Committee on Military Affairs, because it related to General Jackson; so between both committees, the one laying hold of the Judge, and the other of the General, they might perhaps be kept apart.

Mr. WOOD was in favor of referring the subject to the Committee of the Whole on the state of the Union; but the question was at length taken, and the motion prevailed to lay the whole on the table.

Mr. TUCKER, of Virginia, then moved that the communication and documents be printed; which, after remarks thereon by the mover, and Messrs. CANNON, F. JONES, MAILLARD, and ALLEN, of Tennessee, was carried, as to each branch of the documents communicated.*

* The collision with the Judge, Fromentin, grew out of the affair of Governor Callava, and of the Judge's attempt to release him from the calaboose by writ of *habeas corpus*. On hearing of that attempt the Judge was required to appear before Governor Jackson, forthwith, "to show cause why he has attempted to interfere with my authority as Governor of the Floridas, exercising the powers of the Captain General and Intendant of the Island of Cuba, or said provinces respectively, in my judicial capacity as supreme judge over the same, and as chancellor thereof." The Judge appeared accordingly, and Governor Jackson having understood the Judge to confess to error in issuing the writ, and promising not to do so again, he accepted the declaration as an apology, and released the Judge; but Judge Fromentin having denied the apology, a most violent contest took place between them, in which the legality of the Governor's conduct, both with respect to Callava, was vehemently disputed, and carried the Judge, Fromentin, before the President. The Judge justified his issue of the writ upon the common law, the Constitution of the United States, his own commission as a United States Territorial Judge, and the act of Congress of 1789, authorizing all the courts of the United States to issue this remedial writ. Governor Jackson answered him, that the constitution and none of these laws extended to the Territory—that only two acts of Congress had been extended to it, one for the collection of the revenue, and the other to prevent the importation of slaves from abroad; and that he (Judge Fromentin) must confine himself to the execution of these two acts. It was the fashion during General Jackson's public life to decry him as ignorant and rash; yet no officer, called upon so often to decide on questions of national, municipal, or constitutional law, and all upon the instant, and in camps, or on the frontier, could have decided so correctly. And so in this case of Fromentin. The Secretary of State, Mr. Adams, answered his complaint, and in the very words which Governor Jackson had used, saying: "I am directed by the President to inform you that the laws of the United States relative to the revenue and its collection, and those relating to the slave trade, having been the only ones extended by act of Congress to the Territories of Florida, it was to the

THURSDAY, January 31.

Vaccination, &c.

Mr. BURTON, of North Carolina, rose, and said it was with great reluctance that he claimed the indulgence of the House to introduce a resolution on any subject, when he remembered the manner in which the table had been crowded for several weeks past; but he assured the House that it was not his intention to add to the present herculean task of the Heads of Departments. For all those gentlemen, said he, I have the highest respect; and believing that they have full employment already, I shall endeavor to show my respect in some other way than by adding to their labors. Thus far in the present session I have remained silent; from which course I should not have departed, in the present instance, but from an imperious sense of duty. The substance of the resolution which I propose to offer is, that a select committee should be appointed to inquire into the expediency of repealing the law for the encouragement of vaccination, passed in the year 1818. I have no doubt but that this law originated from the purest principle of benevolence, since it has for its object to guard the human family against one of the most fatal diseases to which we are incident—I mean the small-pox. But, notwithstanding I have before stated that I believe that this law sprang from the best feelings of the human heart, yet it is likely to prove one of the greatest calamities which has for several years befallen that part of the country in which I reside. I have no

execution of these only that your commission as a United States judge was intended to apply. In the execution of these laws, in your judicial capacity, the Governor (Jackson) has been informed that you are considered only amenable to the Government of the United States." And thus, the constitution, and all the *habeas corpus* laws of the United States with which the Judge had fortified himself, were taken from around him; and in every thing except administering the revenue and the slave trade laws, he was left to the authority of the Captain General and Intendant of Cuba, in his supreme executive, legislative, judicial, civil, and military powers. By way of easing the Judge down, a compliment was extended on the integrity of his motives, while regretting the collision which had resulted from his mistaken invocation of the constitution and the *habeas corpus* statutes. Thus: "In the different view which you have taken of the subject, the President is persuaded that your motives and intentions were entirely pure, though he deeply regrets the collision of authority, and the misunderstanding which has arisen between the Governor of the Territory and yourself."—*Letter of October 26th, 1831.*

I deem these transactions in Florida, and the act for its temporary government, the strongest illustrations of the difference between States and Territories which can be devised. The temporary government was itself a continuation of the Spanish government, and intended to be independent of our constitution. That was decided by a direct vote, as well as shown by the act. When the bill was under discussion, Mr. Allen, of Massachusetts, moved a *proviso*, that the government established by it, should "*not be incompatible with the Constitution of the United States*;" which was rejected without a division.

wish to make an attack upon Dr. Smith, of Baltimore, (the vaccine agent, under that law,) or any other gentleman, without giving him a fair opportunity of defending himself. But this much will I say, that by some strange accident that disease has been introduced into North Carolina, and has in the course of a few weeks been scattered for several miles around. How this happened, no satisfactory account has been rendered. Some deaths have taken place, and the inhabitants in that part of the country are in a state of alarm and consternation, more easily imagined than described. I am very certain that any feeble effort, on my part, would fall very far short of reality. I wish a select committee to be appointed, who are capable to make a thorough examination of the subject. And if there has been any fault on the part of the agent, that he should not have it in his power again to do further injury under the sanction of the law. And if, on the other hand, there has been no fault on his part, he should be reinstated to public confidence, which has been much shaken by the late transaction.

Mr. B.'s resolution was in the following words:

Resolved, That a select committee be appointed to inquire into the expediency of repealing the law passed in the year A. D. 1813, entitled "An act to encourage vaccination."

Mr. LITTLE made a few observations expressive of his high confidence in the integrity and professional talents and experience of Dr. Smith, whose conduct had been impeached; and believing that an investigation would prove that confidence to have been well founded, he expressed his hope that the resolution would be adopted.

Mr. FLOYD thought the object of the proposed inquiry could not be easily arrived at by a committee of this House. Thinking, as he did, of Dr. Smith, and entertaining the ideas which he did of the benefits he had rendered to his country, Mr. F. said, he believed such an investigation would be beneficial to Dr. Smith. It was as likely, he suggested, that the small-pox had been introduced into North Carolina by some North Carolinian, as by any mistake of the vaccine agent. The latter had no motive to destroy his own occupation, but every possible inducement to conduct the agency with integrity, care, and skill. He had at first thought it best that the resolution should lie on the table a few days, until the subject which was now undergoing discussion and consideration was more attentively examined; but, on the whole, as the question had been moved, he would make no objection to its immediate adoption.

THURSDAY, February 7.

Letter from the Vaccine Agent.

The SPEAKER presented a letter from Doctor James Smith, Vaccine Agent, which, on motion of Mr. LITTLE, was referred to the select committee appointed on that subject, and ordered to be printed.

BALTIMORE, February 4, 1832.

SIR: From letters which I received from Dr. Hunter, of Tarboro', in North Carolina, I am fully persuaded I have discovered the cause of the deplorable events which have happened there; and I am now satisfied, that they have originated from an accident such as never occurred before, and there is no danger that the like will ever occur again.

I had a paper which contained some small-pox scabs, taken by myself from a person named Whitfield, about 4th October, 1821; and on this paper I had written carefully, to avoid accidents, that it contained the variolous or small-pox matter. But this paper was afterwards mislaid, and, after searching for it in vain, I had concluded it was lost, and supposed it might have been swept out of my office with other waste papers.

From the information, however, which I have received from Dr. Hunter, quoting the words I had written on it, I have no doubt but that the same identical paper I had lost, containing the small-pox scabs, and marked as such, was put up in Dr. Ward's letter by some mistake or inadvertence, instead of the glasses of vaccine matter which I intended to send to him; and which, from his letter to me, I supposed he had received and used.

We may now, therefore safely conclude, that the injury done is of more limited extent than I feared; and every citizen of North Carolina has it in his power to be secured from it, if they will use the vaccine matter I have sent them.

Dr. Hunter assures me that the vaccine matter obtained by him from this institution, and which he was using "in a general and extensive vaccination," when he wrote me, 19th ultimo, was such as he knew to be genuine.

I hope you will be so good as to make the contents of this letter known in the House of Representatives; and I will be happy to furnish you or any committee of Congress who may be appointed to make inquiry on this subject, with every fact relating to it which has or may hereafter come to my knowledge.

I have the honor to be, &c.

JAMES SMITH.

Hon. SPEAKER of the
House of Representatives.

Naval Bill—Suppression of Piracy in the West Indies.

The House then resolved itself into a Committee of the Whole, on the bill making partial appropriations for the support of the Navy of the United States, during the year.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, that reported the bill, briefly stated that the object of it was to suppress the piratical depredations that were committed upon our commerce in the Gulf of Mexico, and he moved to fill the blank in the first section of the bill, for the pay and subsistence of the officers and pay of the seamen, with the sum of one hundred thousand dollars. The motion prevailed, and the blanks for provisions and repairs were also severally filled with the sums of twenty thousand dollars.

Mr. SMITH also moved to fill the blank for contingent expenses, with the sum of twenty thousand dollars.

FEBRUARY, 1822.]

The Bankrupt Bill.

[H OF R.]

Mr. TRACY inquired, whether the whole sum was required for this particular service, or whether it was intended to apply to the general expenses of the Naval Department? If it was merely for this particular service, it was a large appropriation, especially after the liberal appropriations for provisions and repairs. On a requisition for contingent expenses by a department, he thought the House ought at least to be possessed of some of the principal and prominent items of expenditure. He was aware that there were expenses to be incurred, that could not be specifically named, or even foreseen; but he thought it the right of the House to understand something of the outlines of the expense.

Mr. SMITH said, the object of the appropriation was well understood. The sum of \$230,000 was reported for the whole contingent expenses of the Naval Department, and the sum of twenty thousand dollars proposed in the bill was a part of that expense, and to be deducted from it. This bill only contemplated an advancement for the purpose of suppressing piracies. Mr. S. agreed, that when an expenditure can be specified, it ought not to be included under the head of a contingent expense.

Mr. LOWENDES thought that the House should not consider the present appropriation as limited to a specific object, but as an advancement of the general navy service. It was part of the annual appropriation, but advanced at an early period to meet the exigencies of the occasion that required it.

Mr. RANDOLPH would not throw any obstacle in the way of the present appropriation, but he thought it proper to apprise the committee of the great doubt that existed, whether, by ingrafting on our naval system the solecism of *imperium in imperio*, the Naval Department had not greatly suffered by the establishment of the Board of Naval Commissioners. Mr. R. disclaimed all personal considerations, and expressed, for those who constituted it, not only a confidence in their ability and integrity, but a personal regard. But the difficulty lay in the system, and he believed the Commissioners themselves and the Secretary of the Navy were convinced of its inutility, and would concur in abolishing this patchwork in our national system. He hoped that others, who were better acquainted with the subject, would take it into consideration, and apply the remedy, which, in his opinion, the evil called for.

Mr. JOHNSON, of Louisiana, stated that he was exceedingly anxious for the passage of the bill on account of the object of it. The bill is for a partial appropriation for the year 1822. It is founded on a letter of the Secretary of the Navy of the 25th January, in reply to a note of that day, requesting information upon the subject of a partial appropriation for the year 1822, for the naval service. It is stated that the appropriations of the last year are nearly exhausted, and that it is necessary to equip a force for the protection of our commerce. This appro-

priation is for the naval service generally. The letter, with regard to the naval force, is dated 28th January, in reply to inquiries of the 26th, with regard to the piracies. In this it is proposed to send out a frigate. This object is the inducement for the partial appropriation.

Mr. TREMBLE had no objection to the passage of the bill, and rose only to reply, in a single remark, to the observations that had fallen from the gentleman from Virginia, (Mr. RANDOLPH.) In the four years he had occupied a seat on the floor, he had had occasion to examine into the office alluded to, and he was fully convinced, from the examination, which was scrupulous and attentive, that the establishment of that board had saved millions to the nation. It was constituted of men who were possessed not only of ability, but of experience and practical acquaintance with the subject on which they were employed. So fully satisfied was he of the importance of that board, that, were he driven to the necessity of voting to abolish either that board, or the head of the department, he should feel himself bound to vote for the continuance of the former.

Mr. RANDOLPH hoped he was not understood to pronounce any opinion upon the wisdom of any branch of the Navy Department. But he had turned not an unobservant eye to the subject, and he believed that the bureau, he might call it—the office, wanted new modelling.

Mr. TREMBLE made a few further observations, and expressed his such entire satisfaction with the management of that board, that he was led to wish there could be an army board in like manner established.

The question was then taken, the blank filled as proposed, when the committee rose and reported the same to the House.

In the House the bill was read and ordered to be engrossed, and read a third time this day, and was subsequently read a third time, and passed.

The Bankrupt Bill.

The House, on motion of Mr. SEBASTIAN, then resolved itself into a Committee of the Whole on the bill to establish a uniform system of bankruptcy.

Mr. MALLARY, of Vermont, observed, that he was in favor of the motion made by the honorable gentleman from Virginia, (Mr. SMYTH,) to strike out the first section of the bill now before the committee. He was opposed to its leading principles, and could not give his support to any measure which contained them. By these principles, he meant such as are found in the provisions of the bill, which compel the debtor to surrender his property for the pretended benefit of the creditor, and exonerate the debtor from the obligation of his contracts. He considered, that all who were opposed to any laws containing such principles, would concur in the motion, and at once bring the subject to a speedy conclusion. If a majority of the committee approved of this course, much

H. OF R.]

Mail Thefts.

[FEBRUARY, 1822]

time would be saved. It would be entirely useless to legislate upon the details, when the bill itself, in the conclusion, was to be wholly rejected.

Mr. M. remarked that the effects of the proposed system must be great. The relations of creditor and debtor would be changed. The effects would not be confined to the mercantile class of our citizens, but must be universal, and felt by the whole community. It was then the duty of every one to weigh well the subject, and ascertain, as far as he had the power, whether the effects would be disastrous or beneficial to the nation. Not to merchants and traders alone, but to the whole American people. The probability that some good might result, was not sufficient to induce Congress to hazard the experiment. We ought to be sure, as far as human foresight can determine, that the proposed measure will prevent the frequency of bankruptcies, discourage the perpetration of flagrant frauds, and elevate the value of national and individual credit. Its beneficial effects ought to be most clearly shown by its supporters. A reference has been made to the laws of other nations, relating to the subject of bankruptcies. They have been urged with great zeal by the honorable gentleman from Pennsylvania, (Mr. SERGEANT,) and in a manner calculated to produce the deepest impressions. He has told the committee that we should consult the experience of foreign nations in relation to those subjects which are interesting to ourselves. He has told us that commerce is essentially the same in England, Holland, France, and Spain, as in the United States. Laws, by those nations, had been adopted of a similar character to the one now under consideration. Experience abroad had given conclusive evidence of their utility. Mr. M. admitted that, although we might often gain the greatest advantages by consulting the laws and institutions of other nations, yet their adoption in this country should be allowed with the greatest caution. It was certainly very dangerous doctrine to admit, as a matter of course, that measures which had received the sanction of foreign Governments, and had stood confirmed by their experience, should be sanctioned here. The preservation of good morals is an object of equal importance to the people of the United States, as of England, yet those laws, which have for centuries received the approbation of Englishmen, may be illy calculated for this country. Pure religion may be the same in France as in the United States, yet those laws which, in France, have been deemed necessary for its promotion, the honorable member from Pennsylvania will not contend are adapted to our condition. The people of the United States have a deep interest in the character and merits of our clergy, but the English laws, granting tithes for their support, would receive no very cordial welcome here. Yet the experience of England and France might be referred to as evidence of their utility.

Mr. M. observed he had alluded to these subjects to prove that the experience of other nations would often prove a fatal guide to ourselves. That, although there might be a variety of interests of equal importance to this country, and foreign nations, the nature of the respective Governments, and the character and feelings of the people, required, or admitted, of very different regulations. That, although the United States were as deeply concerned in commerce as England, Holland, France, or Spain, it could not with safety be inferred that their laws on the subject of bankruptcies should be adopted by the American Government.

MONDAY, February 11.

Mail Thefts.

On motion of Mr. FARRELLY, the Committee on the Post Office and Post Roads were instructed to inquire into the practicability of facilitating the means of discovering thefts, destruction of, or opening and mutilating letters, committed by deputy postmasters, their agents, and mail carriers; and also into the propriety of enacting severer and other penalties against those who may be convicted of such offences.

Mr. FARRELLY observed, that the insecurity of conveyance by the mail was so general as to destroy its utility. Complaints came loudly from all quarters. He said he was certain the Postmaster General had used all the care and vigilance in his power to detect and prevent thefts in the post offices; but he has found them to be ineffectual. Something surely can be done, if not to remedy, at least to mitigate, the evils so loudly complained of. We all know with what ease the recommendations for offices can be procured; these we cannot prevent. Perhaps by enabling the county courts in which the respective officers are, to issue a commission of inspection, or giving them a visitatorial power, the fraud might be prevented. I have been led more particularly to this subject, by information received from my district. Not long since, a sum of nearly a thousand dollars was sent in a letter from Erie, in Pennsylvania, to Salina, in New York. This letter never arrived; it was traced to Buffalo, but beyond that all scrutiny was useless. I have also learned that a letter containing two hundred and seventy dollars, sent from Philadelphia to Warren, in my district, has never been received. I have been informed that another letter, sent from Meadville to Pittsburg, has also been lost. Since I came here, I received a small sum of money for a public institution at Meadville, which I transmitted by mail; it has never been received. We have not heard of any robbery of the mails; these thefts must have been committed by the postmasters. Indeed, the injury done the public by them, in this way, far outweighs that done by robbery of the mails. Something, I am persuaded, can be done to render these crimes less frequent. I do not recollect to have read of any trials in England of postmasters for

FEBRUARY, 1822.]

Civilization of the Indians.

[H. OF R.]

stealing letters on the way. The trials are for robberies of the mails, and thefts after the letters arrive at their destination. The latter part of the resolution I deem necessary. The common law maxim is, that the punishment ought to be severe, in proportion to the facility of committing offence. In this case, the postmaster is secluded in his office, and he commits a double crime—one against the law, the other against the confidence reposed in him by the nature of his office.

A modification was proposed by Mr. WALTHORTH, and a further modification by Mr. LATHEOP, which were severally assented to by the mover and agreed to by the House, which brought it into the shape in which it is above stated.

Civilization of the Indians.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives:

In compliance with a resolution of the House of Representatives, "requesting the President of the United States to cause to be laid before this House any information which he may have of the condition of the several Indian tribes within the United States, and the measures hitherto devised and pursued for their civilization," I now transmit a report from the Secretary of War.

JAMES MONROE.

WASHINGTON, Feb. 10, 1822.

DEPARTMENT OF WAR, Feb. 8, 1822.

The Secretary of War, to whom was referred the resolution of the House of Representatives, "requesting the President of the United States to cause to be laid before this House any information which he may have of the condition of the several Indian tribes within the United States, and the progress of the measures hitherto devised and pursued for their civilization," has the honor to transmit the enclosed table, marked A, containing the number of schools established under the patronage of the Government, within the Indian country; the number of scholars at each; the time of their commencement, where fixed, and by whom established; with remarks on their progress, present condition, &c. By reference to the table, it will appear that there are eleven principal schools, with three subordinate ones, in actual operation; and that there are several in a state of preparation; and that the number of scholars, at the last return, at the principal and subordinate schools, amounted to five hundred and eight. On these schools there has been expended \$15,827 56, of which \$7,447 56 have been on account of buildings, and the balance, \$8,380, on account of the expense of tuition. It is made a condition of the subscription on the part of the Government, that the schools should be established within the Indian country, and that the system of education, in addition to reading, writing, and arithmetic, should, for the boys, embrace instruction in agriculture, and the ordinary mechanic arts, and for the girls the common domestic industry of that sex.

It was thought advisable, at the commencement of the system, to proceed with caution, and to enlarge the sphere of operation as experience should indicate

the proper measures to be adopted, by which a useless expenditure of public money would be avoided, and the system adopted for the civilization of the Indians have the fairest trial. Experience has thus far justified those which have been adopted; and it is accordingly intended to give, this year, a greater activity to the funds, of which a much larger portion may be applied to tuition, the necessary buildings at so many points having already been erected.

Whether the system which has been adopted by the Government, if persevered in, will ultimately bring the Indians within the pale of civilization, can only be determined by time. It has been in operation too short a period to pronounce with certainty on the result. The present generation, which cannot be greatly affected by it, must pass away, and those who have been reared under the present system of education must succeed them, before its effects can be fully tested. As far, however, as civilization may depend on education only, without taking into consideration the force of circumstances, it would seem that there is no insuperable difficulty in effecting the benevolent intention of the Government. It may be affirmed, almost without qualification, that all of the tribes within our settlements, and near our borders, are even solicitous for the education of their children. With the exception of the Creeks, they have every where freely and cheerfully assented to the establishment of schools, to which, in some instances, they have contributed. The Choctaws, in this respect, have evinced the most liberal spirit, having set aside six thousand dollars of their annuity in aid of schools established among them. The reports of the teachers are almost uniformly favorable, both as to the capacity and docility of their youths. Their progress appears to be quite equal to that of white children of the same age; and they appear to be equally susceptible of acquiring habits of industry. At some of the establishments a considerable portion of the supplies are raised by the labor of the scholars and teachers.

With these indications, it would seem that there is little hazard in pronouncing, that, with proper and vigorous efforts, they may receive an education equal to that of the laboring portion of our community. Still, however, the interesting inquiry remains to be solved, whether such an education would lead them to that state of morality, civilization, and happiness, to which it is the desire of the Government to bring them, or whether there is not something in their situation, which presents insuperable obstacles to such a state? To answer this inquiry, we have but little experience. There is certainly much encouragement to hope for the best, from the fact that the Cherokee nation, which has made the greatest progress in education, has also made the greatest towards this desirable state, but the experience which it affords is yet imperfect. They have adopted some written provisions for their government, to a copy of which, with an extract of a letter from the Rev. Mr. Steiner, a respectable Moravian, who has visited the nation at the interval of twenty years, and states the progress which they have made in that time, and which accompany this report, marked B, I would respectfully refer the House, as furnishing the best testimony of the actual progress which that nation has made towards civilization. The zeal of the Cherokees for improvement, and the progress which they have made, are further evinced from the liberal provision for a school fund, for which the last treaty with them, ratified on the

10th of March, 1819, stipulates, and the fact that there are now established in the nation six schools, (two of which are upon the Lancasterian system,) containing in the aggregate about two hundred and thirty scholars. Notwithstanding these favorable appearances, many obstacles, difficult to be surmounted, will impede the progress of the Indians to a state of complete civilization.

Without adverting to others, the political relation which they bear to us is of itself of sufficient magnitude, if not removed, to prevent so desirable a state from being attained. We have always treated them as an independent people; and, however insignificant a tribe may become, and however surrounded by a dense white population, so long as there are any remains, it continues independent of our laws and authority. To tribes thus surrounded, nothing can be conceived more opposed to their happiness and civilization than this state of nominal independence. It has not one of the advantages of real independence, while it has nearly all the disadvantages of a state of complete subjugation. The consequence is inevitable. They lose the lofty spirit and heroic courage of the savage state, without acquiring the virtues which belong to the civilized. Depressed in spirits and debauched in morals, they dwindle away through a wretched existence, a nuisance to the surrounding country. Unless some system can be devised gradually to change this relation, and with the progress of education, to extend over them our laws and authority, it is feared that all efforts to civilize them, whatever flattering appearances they may for a time exhibit, must ultimately fail. Tribe after tribe will sink, with the progress of our settlements and the pressure of our population, into wretchedness and oblivion. Such has been their past history, and such, without this change of political relation, it must probably continue to be. To effect it many difficulties present themselves. It will require the co-operation of the General Government and the States within which the Indians may reside. With a zealous and enlightened co-operation, it is, however, believed that all difficulties may be surmounted, and this wretched, but in many respects, noble race, be ultimately brought within the pale of civilization. Preparatory to so radical a change in our relations towards them, the system of education which has been adopted, ought to be put into extensive and active operation. This is the foundation of all other improvements. It ought gradually to be followed with a plain and simple system of laws and government, such as has been adopted by the Cherokees, a proper compression of their settlements, and a division of landed property. By introducing gradually and judiciously these improvements, they will ultimately attain such a state of intelligence, industry, and civilization, as to prepare the way for a complete extension of our laws and authority over them.

Before I conclude, I would respectfully refer the House of Representatives, for more full and detailed information in relation to the progress made by the Indians in civilization, to the report of the Rev. Doctor Morse, which was laid before the House in pursuance of a resolution of the 22d January last.

All which is respectfully submitted.

J. C. CALHOUN.

To the PRESIDENT of the U. S.

The Message was referred to the Committee on Indian Affairs.

TUESDAY, February 12.

Reorganization of the Navy—False Construction of the Furlough Privilege—Multiplication of Shore Employments.

Mr. COOKE rose to submit a resolution directing an inquiry into certain matters concerning the Naval Establishment. The resolution would point out the object which he had in view; but he thought it important that the House should be advised of the reason which induced him to offer the resolution for consideration. The act of Congress, Mr. C. said, directed that the officers of the Navy should receive but half their monthly pay, when not under orders for actual service. By a regulation of the Secretary of the Navy, each officer attached to the Naval Establishment receives (notwithstanding the law) full pay, except when on furlough. He made this statement from an inspection of the order itself. He viewed it as a departure from the law—an evasion of the law more reprehensible than a direct violation of it—an attempt to get round the law, such as should never receive his sanction whilst he held a seat on this floor. There was another thing to which he was desirous especially to call the attention of the Committee on Naval Affairs, viz: the number of separate stations at which officers are placed, having the effect to increase their compensations, without any correspondent service being rendered. At Norfolk, for example, he understood there were two officers in independent commands, one at the Navy Yard, and one at the town. At Baltimore there was, he understood, another commander; and, from what information he had received, there was not a single armed vessel at that port—though there is a commander for the station, who receives three thousand dollars a year whilst living on his farm, and not attending to any duty at all. He wished also some information respecting the vessels on the Lakes. He understood that most of them were sunk, and none of them fit for service; notwithstanding which a number of men were kept in employ to take care of these sunken vessels; and, if he was not mistaken, the superior officer on that station was dubbed Commodore, as if he were commanding a squadron of armed ships cruising against an enemy, and received pay accordingly. This, Mr. C. said, could not have been the intention of the law. He wished also an inquiry to be made with regard to reorganizing the Naval Establishment, so as not to have a Secretary of the Navy and Commissioner of the Navy too. His friend from Kentucky had told the House, the other day, that millions had been saved to the Government by those commissioners. Mr. COOKE said, he did not pretend to understand much about the subject; but he wished to explain what he did know. He knew that the annual expense of that Board and its clerks, &c., had been twenty odd thousand dollars per year since its establishment. If the Secretary of the Navy wanted counsellors, Mr. C. said he thought

FEBRUARY, 1823.]

Banks of Deposit, &c.

[H. OF R.]

they might be obtained at a less expense than this to the Government, &c.

Mr. C. then submitted the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire, and report, how many naval stations are occupied by the United States; the number and grade of the officers at each; what each officer has received as pay and subsistence, and what for emoluments or extra compensation for supposed services; how many have received their full monthly pay who were not in actual service at the time, and by what authority they were so paid; and also, that they inquire into the expediency of reorganizing the Naval Establishment of the United States.

Mr. McLANE, Chairman of the Committee on Naval Affairs, said he did not mean to make any objection to the scope of the present inquiry. But, he said that the mode which the gentleman had adopted was not the proper mode of obtaining the information he was in quest of. It did not fall within the sphere of the Committee on Naval Affairs to furnish such details as the resolution asked for. He would also suggest to the gentleman from Tennessee, although he was sure the gentleman's motives were of the purest kind, as a general remark, that there appeared to be a rather unfair, if not an ungenerous, proceeding creeping into the practice of this House; which is, that, when gentlemen want information from any Department of the Government, they should preface it with an argument, calculated to affect, and even to criminate public officers, founded on an assumption of facts proposed to be inquired into, and followed by consequences almost as serious in the public mind, as if the facts assumed were known to be true—when, it very often happened, that the facts, being obtained from the proper authority, were not as had been supposed. He did not say that the facts were not, in this case, such as they had been represented to be. But there was one fact with which he was acquainted, and would state; that, from the commencement of the Government, the construction of the law had been, that every officer of the Navy received pay until furloughed; because he is in actual service, liable every minute to be called to duty, until he is furloughed. This was the construction which the law had universally received, and he presumed it was the proper construction. On the other point, adverted to, he was not as fully informed, and had, in no view of the subject, any objection to the inquiry, but to the shape of it—because it devolved on the Committee on Naval Affairs a duty which did not belong to them, and because the resolution, in its present shape, evaded the rule of the House, which requires all calls for information to lie one day for consideration. Mr. McLANE, not intending to shrink from such part of the proposed inquiry as was within the proper duty of the Naval Committee, moved to amend the resolution, leaving part of it for a separate inquiry directed

to the head of the Navy Department, so as to read as follows:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of reorganizing the Naval Establishment of the United States.

The amendment was opposed by Mr. COOKE, as proposing an unnecessary division of his motion into two distinct resolves, and supported by Mr. McLANE in reply—and was agreed to by the House.

Thus modified, the resolution was adopted, without opposition.

THURSDAY, February 14.

Russian Claims on the Northwest Coast of America.

Mr. FLOYD remarked that in consequence of unofficial reports of the promulgation of an imperial ukase of the Autocrat of all the Russias, in relation to the western limits of the United States, he begged leave to lay on the table the following resolution:

Resolved, That the President of the United States be requested to communicate to this House whether any foreign Government has made claim to any part of the territory of the United States upon the coast of the Pacific Ocean, north of the 42° of latitude, and to what extent; whether any regulations have been made by foreign powers affecting the trade on that coast; and how far it affects the interests of this Republic; and whether any communications have been made to this Government, by foreign powers, touching the contemplated occupation of the Columbia River.

FRIDAY, February 15.

Preservation of Live Oak Timber.

Mr. McLANE, from the Committee on Naval Affairs, reported a bill for the preservation of the timber of the United States in Florida; which bill was read twice, and ordered to be engrossed and read a third time to-day.

An engrossed bill, entitled "An act for the preservation of the timber of the United States in Florida," was read the third time, and passed.

Banks of Deposit, &c.

The SPEAKER laid before the House a report of the Secretary of the Treasury, made in obedience to the resolution directing him to report the banks in which the moneys received from the sale of public lands have been deposited since 1st January, 1818; the contracts under which the deposits have been made; the correspondence relative thereto; the amount of deposits left in each, &c.; which report was ordered to lie on the table.

A motion was made that the same, together with the documents, be printed. A division of the question on this motion being called for, the same was put on so much as proposes to cause the said report to be printed, and passed in the affirmative.

Mr. TAYLOR then moved that the question on the residue of said motion, which proposes to cause the documents to be printed, be postponed until Monday next; which passed in the affirmative. The report is as follows :

TREASURY DEPARTMENT, Feb. 14, 1822.

SIR : In obedience to a resolution of the House of Representatives, directing that the Secretary of the Treasury lay before the House "a statement showing in what banks the money received from the sale of the public lands has been deposited since the 1st of January, 1818; the contracts under which said deposits have been made; the correspondence between them and the Treasury Department relative thereto; the amount of deposits that were to be left in each, in consideration of taking charge of the balance of the money deposited; whether, in any instance, the deposits allowed for that purpose have been increased, and why such increase was allowed; together with copies of their situation furnished to said Department for the last twelve months preceding such increase; whether any of those banks have failed to comply with their engagements, and to what amount; the statements made by each for the last twelve months preceding its failure; what measures have been taken, in consequence thereof, to secure the Government against any losses resulting from such failure; what those measures have been, and at what expense; whether, in any instance, uncurrent or depreciated paper has been received from them or any of them, which the Government was not bound to receive by any agreement between such banks and the said Secretary; and whether any further measures are necessary to be adopted by Congress to provide for the transmission of the public money from the different receivers to a more safe place of deposit, and, if so, what plan is most desirable"—I have the honor to submit the several statements and contracts, together with the correspondence, required by the resolution.

From an examination of the provisions contained in these contracts, it will be perceived that the principal inducements on the part of the Treasury to make them were—first, to increase the facilities of making payment for lands previously purchased; and, secondly, to secure the transmission of the public money from the places of deposit to those where the public engagements required it to be expended, with the least derangement of the ordinary moneyed transactions of those States from whence the funds were to be withdrawn.

By statement X it will be seen that the debt due by individuals for the purchase of public lands had, between the last days of January, 1815 and 1819, been augmented from three millions forty-two thousand six hundred and thirteen dollars and eighty-nine cents, to sixteen millions seven hundred and ninety-four thousand seven hundred and sixty-five dollars and fourteen cents.

In the year 1817, most of the banks in the States where the land offices were established, and in those parts of other States immediately adjoining them, had resumed specie payments. In the following year a great proportion of them stopped payment; and, in the early part of 1819, the price of all articles produced in the Western States fell so low as scarcely to defray the expense of transportation to the ports from whence they were usually exported to foreign markets. This condition of things, which had not been

anticipated when the debt for the public lands was contracted, produced the most serious distress at the moment, and excited alarming apprehensions for the future. The forfeiture of the lands purchased between the two periods already described, and of the great amount of money paid at the time of purchase, appeared to be a result almost inevitable, unless some facility in making payment could be afforded. The resumption of specie payments by the banks whose notes formed, almost exclusively, the circulation of the States where the debt had been contracted, and the receipt of those notes at the land offices, seemed to be the only facility which it was practicable to afford. To effect this object, the contracts in question were tendered to the local banks as a modification of the various propositions which had been made by them to the Department. The extent of the facility which would be afforded by the receipt at the land offices of the notes of such local banks as should resume specie payments, would necessarily depend upon the amount of the public expenditure at the banks of deposit, and the capacity of those banks to transfer what could not be thus expended to the places where the public interests required. At that time an inconsiderable portion of the sum received at the land offices was expended in the States in which they were established. An inducement to transfer the remainder was to be presented to the banks which were to become the depositories of the public revenue arising from the sale of the public lands. In making the proposition to the local banks to transfer such portion of the public money deposited in their vaults as could not be expended by them on Treasury drafts, with the exception of the sum agreed to be left in deposit, the obligation of the Bank of the United States to transfer the public money to such places as the public exigencies shall require was duly considered. This obligation extends to money, and not to bank notes. The bank was under no obligation to effect the transfer of the public funds by disposing of the notes of the local banks which had been received at the land offices in the purchase of bills of exchange, rather than by a direct transportation of specie to the places designated. To have proposed the resumption of specie payments to the local banks, on the condition that they were to become the depositories of the public money received at the land offices, whilst the obligation of the Bank of the United States to transfer the public revenue was to be enforced, was to insure another failure on the part of those banks; as they would have been required, at short intervals, to discharge in specie the whole amount of their notes which had been received at the land offices. If the specie which would thus have been drawn from their vaults could have been restored to the local circulation, by the operations of the Government, it would have been practicable for the local banks to have continued specie payments. But the whole of the sums which would have been drawn from them by the Bank of the United States would have been transferred to the commercial cities in the Atlantic States, whence its return would necessarily have been slow and precarious. It was, therefore, indispensable to any proposition for inducing the local banks to resume and continue specie payments, that the obligation to transfer such part of the public money deposited with them as was to be expended at other places, should be imposed upon those banks. Although it was manifestly their interest that this operation should be effected with-

FEBRUARY, 1832.]

Banks of Deposit, &c.

[H. or R.]

out suddenly withdrawing from circulation the amount to be transferred, yet it was equally manifest that it could not at all times be performed without inconvenience and expense. It became, therefore, necessary to present to them some other inducement to assume this obligation, than the mere possession of the public funds during the time that was requisite for making the transfer. The idea of a deposit which they were not bound immediately to transfer was adopted by the Treasury, and accepted by the banks. This deposit, however, with the exceptions which will be hereafter explained, was liable to be reduced at all times by the payment of drafts of the Treasurer whenever it was practicable to expend money at those banks. The whole amount deposited in them was, at all times, at the disposition of the Government, whenever the public service should require it, and the opportunity of expenditure at the banks of deposit shall occur.

During the existence of the former Bank of the United States, a number of State banks were, by the Secretary of the Treasury, made banks of deposit, upon conditions which secured to them a considerable amount always on deposit, without, however, specifying any particular sum. It was stipulated that the moneys deposited in them should not be drawn for *en masse*; and that whenever drafts should be drawn upon them with a view to transfer any portion of the public money in their possession, they should be drawn payable at sixty days. As these drafts were always issued for smaller sums than were at the time on deposit, the banks generally retained in their possession a sum exceeding the amount of the deposits in sixty days. An arrangement or contract of this kind still exists with a number of local banks in the States of Maine, Massachusetts, Rhode Island, Connecticut, Vermont, and Virginia.

With the Bank of the United States an arrangement for the transfer of the public funds has been found requisite, which necessarily leaves a considerable balance on deposit in those offices from which transfers are to be made. For the transfer of the public funds from New Orleans, and from the Western States, to the principal cities on the Atlantic coast, the bank is allowed four months; from places north of the seat of Government to those south of it, two months; and from and to places north of it, and from and to places south of it, one month.

In the States of Indiana, Illinois, Missouri, Mississippi, and Alabama, the Bank of the United States has established no office. In several of those States it was found impracticable for the receivers to make their deposits in that bank or its offices, without incurring an expense nearly equal to the amount of their salary and emoluments. In such cases, the only alternatives left to the Department were, to suffer the public money to remain in the hands of the receivers until it could be expended, or to direct it to be deposited in some of the local banks. Experience had shown that it was not prudent to adopt the first of these alternatives. Indeed, Congress, influenced probably by this conviction, had, in the year 1800, directed that the revenue bonds in Boston, New York, Philadelphia, Baltimore, Norfolk, and Charleston, should be deposited for collection in the Bank of the United States and its offices, established in those cities; and, in 1809, it was further directed, by law, that the principal disbursing officers of the Government should, whenever practicable, keep the public moneys in their hands, in some incorporated bank, to

be designated for the purpose by the President of the United States. Acting in the spirit of these legislative injunctions, founded upon the idea that banks furnished an additional security, not only in the collection but in the disbursement of the public revenue, my predecessors in office had directed that the public money, whenever collected, should be deposited in banks in the vicinity of the officers who collected it. When the Department was placed under my direction, in October, 1816, there were eighty-nine banks of deposit in the different States of the Union.

If recent experience has furnished evidence in any degree conflicting with that which produced the legislative injunctions to which I have referred, it has also shown that the official integrity of the public agents has not been augmented.

By referring to the contracts, it will be seen that deposits have been made in the Bank of Mississippi at Natchez, in the Farmers and Mechanics' Bank of Indiana, and in the Franklin Bank of Columbus, Ohio, upon conditions somewhat different from those of the other banks. In the first, there is no stipulated deposits, as it was presumed that the whole amount which would be received could be disbursed at the bank, or transferred without hazard or inconvenience to New Orleans. The banks, too, whose notes circulated in that State, were generally of established credit; so that but little, if any, risk was incurred in receiving and crediting them in the account of the Treasurer as specie. The frequent and safe intercourse between Natchez and New Orleans made it easy for the receiver west of Pearl River to make his payments in the office of the Bank of the United States. The failure of that officer, however, to make his deposits with regularity, and his misapplication of a large amount of the public money, about two years ago, suggested the propriety of effecting an arrangement with the Bank of Mississippi.

The second is entitled to a deposit, which is not to be diminished by Treasury drafts. It is bound to transfer to the Bank of the United States, or its offices, any excess above that deposit which it may receive from the land offices, and which cannot be disbursed at the bank. As nearly the whole amount that should be received by the bank would have to be transferred, it was deemed just that the stipulated deposit should not be diminished by the payment of Treasury drafts; and it was believed that any profit which the bank could derive from it would not be more than equal to the expense which would necessarily be incurred in making the stipulated transfers.

The third is entitled to a small deposit, not liable to be diminished, and is not bound to transfer any part of the public funds deposited with it. From the geographical situation of the bank, it was intended to be the depository of the public moneys disbursed upon the northwestern frontier, as far as Lake Superior, with the exception of what was received at Detroit and Michilimackinac. In this case, as the bank was not bound to transfer, the deposit was intended simply to indemnify it against losses which it might incur from the failure of any bank whose notes might be received at the land offices and deposited with it.

The deposits stipulated in the contracts have, in no instance, been increased; but sums to a much greater amount have, at different times, been in the possession of these banks. In some cases, this has been the result of a want of punctuality in making the transfers according to the conditions of the con-

tracts, and in others, of an expectation that the amount in deposit of a particular bank might be expended without transfer.

In addition to the amount deposited in these banks, there has been deposited in the Bank of the United States and its offices the sum of \$2,959,523.

It results from this statement, that there has been deposited in those banks the sum of \$4,958,997, and that there remains in their possession, yet to be accounted for, the sum of \$972,286. Of this amount the sum of \$526,950 is due by banks which have stopped payment, and are no longer banks of deposit, viz: the Planters and Merchants' Bank at Huntsville, the Branch Bank of Kentucky at Louisville, the Bank of Missouri, the Bank of Vincennes, the Bank of Edwardsville, and the Farmers and Mechanics' Bank at Cincinnati. It is but just, however, to state, that the bank at Huntsville has made large payments into the offices of the Bank of the United States at New Orleans and New York since its failure, and that no doubt is entertained that it will discharge the remainder in the present year. These are the only banks which have failed to comply with their contracts.

The statements made by these banks for the twelve months preceding their respective failures, as far as they have been received, are marked Cc, Ee, Gg, Jj, Ll. The statements of the Bank of Missouri will be found in the correspondence.

From the Bank of Tombigbee there have been received \$15,311, in the notes of the State Bank of North Carolina; from the Bank of Missouri there have been received the following sums, viz: in notes of the State Bank of North Carolina, \$42,000; of the Bank of Nashville, \$29,844; of the Farmers and Mechanics' Bank of Cincinnati, \$11,845; of the Miami Exporting Company, \$8,661; of the Bank of Cincinnati, \$3,846; of the Bank of Muskingum, \$291; and of the Farmers, Mechanics, and Manufacturers' Bank of Chillicothe, \$360; and from the Bank of Edwardsville there have been received \$18,562 in notes of the Bank of Kentucky and its branches. In the first two cases, the notes were received in the month of March, 1820; and in the third, in October, 1821. All the notes above described were uncurrent at the time they were received from the banks. They were current when they were received at the land offices, and when deposited in those banks for safe keeping. These deposits were made before the date of the contracts by which the banks engaged, not only to account to the Treasury in specie for bank notes deposited in them, which might become uncurrent while in their possession, but in like manner to account for such as might become uncurrent in the hands of the receivers of public money, which had been received before notice of the failure of any of the banks whose notes the banks of deposit had authorized them to receive. As the banks of deposit before the date of these contracts exercised no discretion or judgment in determining what local bank notes should be received, it was not understood that they assumed the responsibility of accounting to the Treasury in specie for notes deposited with them for safe keeping, which should become uncurrent while on deposit. Such is now the relation of the Bank of the United States to the Treasury, in all cases where the notes of the State banks received at the land offices are deposited in it, except the notes of the banks in the commercial cities of the Atlantic States. In no other case have uncurrent bank notes been re-

ceived from any bank in which the public money has been deposited; nor have any such notes been received in contravention of any agreement between the Department and those banks. It is proper to state, that the whole of the notes of the State Bank of North Carolina have since been discharged; and that of the Nashville Bank notes there remains only \$4,208 89 unpaid.

When the Bank of the United States went into operation, there was a very large amount of uncurrent bank notes in the Treasury, which were designated by the term *special deposit*. It consisted of bank notes which had been received on account of the Treasury, and which were refused to be entered to the general credit of the Treasurer by the eighty-nine banks in which the public money was then deposited; notwithstanding all those banks, with the exception of a few in the Eastern States, did not at the time discharge their own notes in specie. This amount was greatly increased by the balances in those of the Western banks, which, when the public deposits were turned over to the Bank of the United States, were unable to make any arrangement for their payment. To convert this special deposit into current money, the Bank of the United States tendered its best efforts, which were accepted by the Department. A considerable portion of the sum was, by the agency of the bank, converted into available funds; but, towards the close of the year 1818, the bank declined all further agency, under a conviction that its efforts were rather injurious than beneficial to the public interest. In the early part of 1819, the amount of special deposit then in the Bank of the United States was transferred to the Bank of Columbia, which had offered its services in collecting it. In the course of that year, its cashier visited the banks whose notes constituted the special deposit, and which were established in the interior of Pennsylvania, Maryland, and Virginia, and in various parts of the State of Ohio. During his tour he succeeded in converting a portion of the notes into current money; in most other cases he obtained written acknowledgments of the amount due, and generally an engagement to pay interest until the debt was discharged; and in several instances collateral security was proposed, which has since been accepted. Whilst in the execution of this service, he was charged to call upon the Farmers and Mechanics' Bank of Cincinnati for the amount which had been deposited with it during the three months that it had resumed specie payments in 1819. He was not able, however, to make any arrangement either for the payment or security of the debt.

Since that time, the claims of the Treasury upon the banks in Ohio, and in the interior of Pennsylvania, Maryland, and Virginia, have been placed in the hands of the attorneys of the United States, with instructions to endeavor in every case to obtain collateral security, where it is practicable. Their efforts, in conformity with these instructions, have been attended with some success; but it is now manifest that a resort to legal coercion will, in some cases, be necessary.

In terminating this report, it is respectfully submitted whether it is not expedient that some special authority be given for the disposition of the special deposit now in the Treasury. A considerable amount of this deposit consists of bank notes, which, though uncurrent, and therefore not applicable to the public service, may yet be disposed of on loan, upon such security as to insure its conversion into current mo-

FEBRUARY, 1822.]

Military Appropriations—Pay and Subsistence of the Army.

[H. OF R.]

ney at the expiration of one, two, and three years. Another part consists of engagements by banks whose notes are uncurrent, which, it is presumed, those banks would willingly discharge by the issue of their notes, and which might be disposed of in the same manner. There is, however, a small portion which probably cannot, without considerable loss, be converted into current money by any measure whatever. An authority to dispose of so much of the deposit as is of this description, upon the best terms that can be obtained for it, will probably save something to the Treasury, as delay in relation to it can have no beneficial effect. I have the honor to be, &c.

WM. H. CRAWFORD.

Hon. SPEAKER of the
House of Representatives.

FRIDAY, February 15.

Russian Claims on the Northwest Coast of America.

The resolution submitted yesterday by Mr. FLOYD, requesting of the President of the United States information whether any foreign Government has made claim to any part of the territory of the United States on the coast of the Pacific Ocean, &c., was read for consideration.

Mr. FLOYD observed that he had made this motion in consequence of understanding that a copy of the Russian ukase on the subject of her dominions on the Pacific was in possession of our Government. The Russian Government laid claim, it appeared, to a considerable part of the territory on that coast, which belonged to the United States, in addition to what she held without dispute. From a claim so enormous, it would seem that the Emperor of Russia had forgotten the cautious policy which had characterized him heretofore; and the claim was such a one as would be resisted by any country. He hoped the resolution would be agreed to.

The resolution was agreed to without objection.

MONDAY, February 18.

Military Academy.

Mr. WOODCOCK submitted the following resolution:

Resolved, That the Secretary of War be directed to lay before this House a statement of the number of cadets educated at the Military Academy, who have remained in the service of the United States five years, and the number who have received commissions and resigned, or been discharged from service before the expiration of five years; also, the number that have left the Military Academy without commissions, and the amount of money that has been paid each; also, the amount paid to cadets between the time of their appointment and that of their being mustered at the academy, and the time of leaving the academy, and the time of receiving commissions and entering the service of the United States; also, the number educated at the academy who were in the service during the late war; also, the expense of maintaining the officers and instructors of the academy each year, since 1802; and the expense of am-

munition which has been furnished for the use of the academy, and the soldiers who have been stationed at the academy for the assistance of the officers and cadets since its establishment; and also, the number of cadets educated at the academy since its establishment, distinguishing those who are the sons of officers and soldiers who have fallen in the defence of their country, or died in its service.

The resolution was ordered to lie on the table one day.

WEDNESDAY, February 20.

Military Appropriations—Pay and Subsistence of the Army.

The House resolved itself into a Committee of the Whole on the state of the Union, and took into consideration the bill making appropriations for the military service of the United States for the year eighteen hundred and twenty-two.

Mr. SMITH, of Maryland, (Chairman of the Committee of Ways and Means, who reported the bill,) moved to fill the blank "for the pay of the army and subsistence of the officers" with the sum of \$982,917.

Mr. BALDWIN wished, before an appropriation of this sort was made, to see a plain statement of the revenue of the country. He was unwilling to go on until he knew the footing on which our financial concerns really stood. He was willing to cut the expenses down—he cared not how high nor how deep it cut—but so far as to meet the revenue. The House was now called upon to pass a bill for the appropriation of a large sum. Before he could accede to it he wished to see a plain, tangible, matter-of-fact statement of the revenue, and then the House could shape its measures accordingly. He was not prepared to vote for borrowing money, nor was he inclined to appropriate large sums in the dark, without knowing from what quarter they were to be met. He therefore moved that the committee rise and report progress on this bill, with a view to postponing the final decision on it to a later period of the session.

Mr. SMITH, of Maryland, said that the appropriations of the last year for the support of the Military Establishment were exhausted. We are now two months on the new year, and there is nothing wherewith to pay the demands on that department. Is this, then, he asked, the proper time to delay? Was it expected that the officers of the Government should make personal advances? Certainly not. And neither the army nor the Revolutionary pensioners could be paid. The payment of the latter had been deferred last September, and now an instalment became due early in March. They were suffering for the want of it. The passage of this bill would not at all interfere with any propositions for economical reform which gentlemen might think proper to make. It was only intended to meet the demands that arise from laws now in existence, and which the faith of the Government is pledged to fulfil. Mr. S.

was disposed to enter fully into the views of gentlemen with regard to any proper retrenchment, where it did not involve a denial of justice and legal right. He also expressed his confidence in the report of the Secretary of the Treasury. He was satisfied that there was such a revival of commerce that the revenue would be adequate to the expenditure, and he saw no necessity that the committee should rise.

Mr. WILLIAMS, of North Carolina, was not disposed to throw any embarrassments in the way of the committee that had reported the bill. Yet he thought it the dictate of wisdom and prudence to halt at this step, and reflect upon the situation of the revenue, before these appropriations were made. From his acquaintance with the proceedings of the House, he had been led to observe that they were too often driven to make appropriations by the pressure of circumstances. At those sessions that are terminated by law on the 4th of March, the appropriation bills have been usually presented a few days before its close, and we are compelled to pass them without much examination of the details, for fear it should not become a law within the constitutional term, and a violation of the faith of the nation result as a consequence. At those sessions, on the other hand, where the term is unlimited, we are met with a bill for partial appropriations to supply the exigencies of the first part of the year, and which we are always told is to be deducted from the general appropriation bill, and then this general appropriation bill is introduced at a period too late, or under circumstances too urgent to allow of that strict scrutiny which it was both the right and the duty of this House to make. Mr. W. thought the first and most obvious inquiry was, whether we have the money? This was a question to be put at the threshold, and he thought the inquiry of the gentleman from Pennsylvania (Mr. BALDWIN) had not been answered. If the Chairman of the Committee of Ways and Means would give an assurance that no bill shall be reported to authorize the borrowing of money, or laying a tax, and that there would be money enough in the Treasury to meet all the demands upon it for the expenditures of the current year, he should be disposed to acquiesce in the passage of the bill, which that committee had reported.

Mr. BALDWIN did not wish to examine the merits of the act of 1816, (to which the gentleman from Maryland had alluded;) and he was sorry the case of the Revolutionary pensioners could not be attended to, and their wants supplied, without drawing after them other appropriations, on which he thought sufficient information had not yet been obtained. The bill was reported yesterday. It was laid on our tables this morning, and is not yet dry; and if he felt himself faulty in relation to this subject, it was in forbearing too long, rather than in coming forward too soon, to express his unwillingness to commit the nation to such an expenditure without knowing on what foundation

the public credit was placed. He respected the opinions of the gentleman from Maryland as much as any other gentleman, but the individual opinions of a member were not a ground on which it was safe for a legislative body to act. They involved no responsibility. By a former report from the Committee of Ways and Means, the revenue of 1822 was to exceed the expenditure by \$5,200,000, and where is this surplus? He would consent to this appropriation, if it was to be limited to that surplus fund; but it was not; and the prophecies of four years having turned out to be incorrect, he was justified in judging of the future by the past. He felt unsafe to adjust the appropriations upon any calculations of average; nor was he disposed to score down the treasury reports like the forecasts of an almanac, that predicts that, about these days you may expect to meet fair weather at the bottom. He would proceed with any gentleman and cut down expenditure, strike where it would, until it met the revenue. He wished to see where the revenue really was. It had been the practice, year after year, to talk of balances. But where were they? In the air—and if balances in the air would meet the solid appropriations of the House, there would be less objection to the passage of the bill. Mr. B. then adverted to the statistical account of the Treasury to show that, by the real situation of available funds, the Treasury was actually in arrear by much more than a million of dollars. The time had come when in his opinion it was necessary to make a serious and earnest call for the true condition of that department. Year after year reports had been made, and the only difference between them seemed to be in the magnitude of the errors they contained. There was one thing, at all hazards, which it was the duty of this House to sustain—and that was the credit of the nation. Let this bill then be postponed until proper inquiry be made into that subject.

Mr. CANNON supported the motion, and, *inter alia*, inquired whether this appropriation was not founded on the idea of a continuation of the army establishment upon its present basis, without any reduction whatever?

Mr. RANDOLPH wished to carry the inquiry one step further than the gentleman from Pennsylvania—for he wanted to find, not only where the money comes from, but where it goes to! The Committee of Ways and Means did not seem to be a committee of supply, to get money, but only to get rid of it. It seemed, however, that we had grown wiser than our fathers, and that it was now an object, as expressed by the gentleman from New York, (Mr. CAMBRELENG,) of total indifference whether the sinking fund system was retained or not. Mr. R. then directed his remarks principally to the importance of retaining and supporting that fund. He presented, with his usual eloquence, a history of its origin and progress—traced it from the patriots who originated and sustained it—explained the difference that existed between it

FEBRUARY, 1822.]

Military Appropriations—Pay and Subsistence of the Army.

[H. OF R.]

and the sinking fund of England—paid an elegant tribute of respect to the integrity of Hamilton and the wisdom of Sherman, who had not thought it a matter of indifference, and concluded by expressing his concurrence with the gentleman from Pennsylvania, that further light should be thrown upon the actual state of our finances before appropriations of so large an amount should be made.

Mr. CAMBRELENG replied to the remarks of Mr. BALDWIN and Mr. RANDOLPH.

Mr. ROSS renewed an inquiry, suggested by Mr. CANNON, whether this bill embraced the objects of the partial appropriation bill, that had been discussed some weeks since in this House?

Mr. SMITH, in reply, observed that it embraced only such disbursements as were of immediate and indispensable necessity. The partial appropriation bill was out of the question, and had no connection whatever with the present. The bill was entirely predicated upon issues contained in the statute book, &c.

Mr. TREMBLE rose to ask the Chairman of the Committee of Ways and Means a question. This seventy thousand dollars is required to purchase clothing for the army. He wanted to know whether it was intended, in making the purchase, to give any preference to the woollens of American fabrication; and why the clothing of the army is not entirely of American manufacture? His information justified him in saying, that this desirable object could be easily accomplished if the proper departments would continue their efforts from year to year in good earnest. He said he had an amendment in his hand, which, if adopted, would limit the purchases to articles of American manufacture; and he should consider it his duty to offer it, unless some satisfactory answer could be given to his inquiry. He took that occasion to say, generally, that each of the purchasing departments ought to give notice in all the States that supplies are wanted, and designate the articles; allowing full time for persons living at the most distant points of the Union to send in their offers to supply. This, he had been told, was done in most instances, and it had given great satisfaction. But still there were many complaints made on this subject, and, in some instances, not without good reason. It was his opinion that any other mode of granting contracts for supplies would, in many instances, operate as a monopoly in favor of particular sections of the Union; that it was fair and just to give the manufacturers in every portion of the country an equal chance; that the Government ought to invite competition by putting all upon a footing of the most perfect equality; that the Treasury itself would profit by the competition; that he had heard of cases in which the Government was made to pay a higher price for articles on the seaboard, to supply the frontier, than similar articles of equal quality could have been had for at or near the places of consumption. He would give two

or three instances from the department of Indian trade, which, if true, were manifest abuses. Lead was made in great quantities in Missouri, and sent to the large cities on the seaboard; and that about thirty miles below St. Louis there was a shot factory, where any quantity of that article could be had, of a very superior quality, such as might come fairly in competition with the Philadelphia shot, and drive it out of the market; and yet, it was stated to him as a fact, that lead and shot had been purchased on this side of the mountains, and sent to the West to supply the Indian trading houses. The same had been said, and he believed truly, of tobacco, tomahawks, and other articles. The furs received at the trading establishments were usually brought to Georgetown to be sold; and it was a remarkable fact, that a portion of the same furs found their way back to the Western waters, to supply the demand among the hat-makers, whereby a loss accrued to the consumer equal to the expense of double transportation. It was said that peltry had been brought from St. Louis to Georgetown, and sold there, or on the coast, for very little more than half the current price at St. Louis. These facts had been proven, he understood, before a committee of the other House; and he was led to believe that there never was a more abominable speculation, in the small way, than had been practised upon the Government in some of these matters. He could give other instances of the same sort, but his main object at present was to call the attention of the committee to the subject of domestic woollens, and to show the folly of purchasing supplies on the seaboard for the Western country. There was one factory in Ohio which, he believed, could furnish all the woollens for the army. And all that he would ask for the Western people was, to let them enjoy their local advantages, and purchase from them such things as are consumed among them, if to be had there on equal terms.

Mr. SMITH said a few words in reply—referring Mr. TREMBLE to a resolution submitted some days ago by a gentleman from Massachusetts, (Mr. EVERTS,) respecting the clothing the army in American manufactures.

Mr. EVERTS observed that, since he had offered the resolution referred to, he had communicated with the head of the purchasing department, and, to his great satisfaction, had found that his views had been anticipated in relation to the subject; for that all our soldiers were clothed in American fabrics. He expressed great confidence in that officer, and was satisfied that the proposition of the gentleman from Kentucky was superfluous.

The question was then taken on filling the blank with the sum of \$75,000, as proposed, and carried.

Mr. SMITH then moved to fill the blank for the Quartermaster-general's department, for regular supplies, transportation, rent, and repairs, postage, courts-martial, fuel, and contingencies, and for extra pay to soldiers employed

in the erection and repairs of barracks, and other labor, with the sum of \$818,217.

Mr. ROSS observed, that he understood that the business of courts-martial had become a money-making job, and that a gentleman from the North (New York) had made the modest charge of thirteen or fourteen thousand dollars for presiding in them one year. He wished to be further informed on that subject.

Mr. SMITH said the appropriation here proposed was in the usual form; and that, in relation to the claim referred to, it was *sub judice*, and not decided upon.

The question was then taken on the sum proposed, and decided in the affirmative.

Mr. SMITH moved to fill the blank for the contingencies of the army with the sum of \$20,000.

Mr. COOKE moved to strike out that item; which motion was negatived.

Mr. CANNON moved to insert after the word "Army," the words "and the Military Academy," which was also negatived; and, the question being then taken on Mr. SMITH's motion, it was carried.

Mr. SMITH then moved to fill the blank for the Military Academy with the sum of \$13,979.

Mr. CAMPBELL, of Ohio, moved to amend the proposition by inserting in lieu thereof the words, "for quartermaster's supplies, transportation, mathematical instruments, books and stationery, for the Military Academy, &c.," which was assented to by the mover, and the original motion prevailed.

Mr. SMITH also proposed to fill the blank for the pensions to the invalids, to the commutation pensioners, and the widows and orphans (in addition to an unexpended balance of \$27,891 05) with the sum of \$317,108, which was agreed to.

Mr. SMITH further moved to fill the blank for pensions to the Revolutionary pensioners of the United States (including a deficiency in the appropriation of the last year of \$451,886 57, and in addition to an unexpended balance of \$191,845 06 of the year 1820) the sum of \$1,642,591; which was agreed to.

Mr. BALDWIN then moved to strike out all that part of the bill which precedes the appropriation for the pensions to invalid and Revolutionary pensioners—intimating, however, a perfect willingness that, if any gentleman wished to retain any particular appropriation, so as to make it a partial one, he would modify his motion accordingly.

Such a disposition not being manifested—

Mr. B. urged the adoption of his motion, and observed that he was unwilling that the urgency of the Revolutionary claims should drag after them other appropriations, amounting in the aggregate to more than four millions of dollars, on such a premature and inconsiderate deliberation. The question was then taken, and negatived—ayes 40, noes 70.

Mr. SMITH then moved that the committee rise and report the bills amended, which was

agreed to; and the House adjourned without taking up the report.

FRIDAY, February 22.

Vaccination.

Mr. FLOYD, from the committee appointed to inquire whether it is necessary to make any modification in the law passed in the year 1813, entitled "An act to encourage vaccination," made a detailed report; which was read, and the resolution therein submitted was concurred in by the House, and two thousand copies ordered to be printed for the use of themselves.

The report is as follows:

The committee to whom was referred the resolution of the sixth instant, directing them to inquire whether it be necessary to make any modification of the law passed in the year 1813, entitled "An act to encourage vaccination," have had the same under consideration, and report:

That the committee have not deemed it necessary to report the various reflections which have presented themselves upon the subject of vaccination, but feel a confidence in the belief, that the opinion heretofore entertained of its being a preventive of the small-pox is well founded, and believe it one of the greatest benefits bestowed upon the country, and one which ought to be cherished by every citizen of the Republic.

They are aware that a disease, called by medical gentlemen varioloid, has, within a few years past, made its appearance in Europe; that it much resembles the small-pox; and, under similar circumstances, has been as fatal as that disease ever was; none are exempt from its influence, neither those who have had the small-pox, nor yet those who have been exposed to the influence of the vaccine; but it is gratifying to find that the weight of authority seems to favor a belief, that all those exposed to the infection of the latter suffer much less than any others.

The committee have seen, with pain and regret, the occurrences which have lately transpired in the State of North Carolina, where the physicians in that part of the country believed the small-pox to exist. These occurrences were of such a character as to claim their attention, particularly as the United States vaccine agent, appointed pursuant to the provisions of the act referred to in the resolution, seemed to create a doubt as to the efficacy of vaccine in the prevention of small-pox, and left the impression equivocal, whether it was not his belief that it was the varioloid disease in North Carolina, produced by some change in the vaccine matter whilst on its way to a physician in that State, to whom he had sent it, or whether it had not assumed that character from the circumstance of the small-pox epidemic in the neighborhood from whence it was sent. They have forborne to remark upon that transaction, as the vaccine agent has since ascertained, and acknowledged, that it was the genuine small-pox matter he had sent to North Carolina, through his own mistake, which at once relieves the fears of those who doubt the efficacy of the cow-pox, if there are any such, and dissipates the mist which hung over the subject, in the opinion of all who did not doubt.

It is proper to remark, that the disease called varioloid seems to partake more of the character of small-pox than of vaccine, and that there is no fact, within

FEBRUARY, 1822.]

Case of Henry Aberdeen.

[H. OF R.]

the scope of their inquiry, to induce the committee to believe that vaccine ever has degenerated into varioloid. It is unquestionably true, that instances have occurred where persons have taken the small-pox, after having the vaccine, though such instances are as uncommon as it is for persons to take the small-pox a second time.

The tranquillity of settled belief has been disturbed by allusions to the difficulty of securing the continuance of genuine matter, though no doubt is entertained by your committee that proper attention will overcome every obstacle of that kind, eradicate every evil, and, finally, triumph over prejudice itself. Some reproach may have been brought upon vaccination, not, however, the result of any well-founded doubt as to its efficacy; but from the ignorance or carelessness of those who have used it, as it is well known that many benevolent persons throughout the community have taken upon themselves to vaccinate their friends and others, and, doubtless, have done much good; but if, in the progress of time, by want of care, the matter shall have become spurious, there is not adequate experience to detect the change, and consequently, some risk of exposing the person to small-pox, thereby bringing danger to the sufferer, and unjust reproach to the cow-pox. This kind of inoculation done by every individual who feels charitably inclined, if with care, is not disapproved of; though they are decidedly of opinion, that it would be much better to trust it to the judgment and care of the medical gentlemen of the country.

The committee have deemed it not irrelevant to state a few prominent facts in regard to the effects of these diseases in different countries, which will more clearly show the progress of opinion, and the advantages of vaccination. In the first place, it is proper to state, that there is authority for estimating the deaths in the natural small-pox at one in six; and, though a more intimate knowledge of that malady, together with any benefit arising from inoculation, may have put it more in the power of physicians to control it, yet, in Great Britain, where vaccination is less attended to than in some other European countries, fifty thousand persons are annually destroyed by it. But, even there, by vaccination, all agree the waste of human life has been lessened. It not only secures the person from the small-pox, but greatly lessens the danger to be apprehended from the varioloid disease, as may be seen by reference to highly respectable authority, which states that, at Millau, in France, containing about eight thousand inhabitants, two hundred vaccinated persons took the varioloid disease, and every one recovered, whilst two hundred persons who had not been vaccinated were destroyed.

In Denmark, by the care which the Government has taken to cause the people to vaccinate, the small-pox no longer exists. This remedy was introduced into that country about the year 1800, by laws which were vigilantly enforced. By these laws, it was ordered that no person should be received at confirmation, admitted to any school, bound apprentice to any trade, or married, who had not been vaccinated, unless they had undergone the small-pox. A just idea may be formed of the benefits which have resulted to Denmark—a country where the preservation of human life is more the object of governmental care and solicitude than almost any other—when it is known that the city of Copenhagen alone, during the twelve years preceding the introduction of the vaccine, lost by the small-pox five thousand five hun-

dred of its inhabitants. In the year 1805, not one death occurred in the whole Danish dominions from the small-pox. Prussia has made many wise regulations favorable to vaccination, which have produced highly beneficial results. Formerly, the small-pox was believed to destroy about forty thousand persons annually in that kingdom. In 1817, by this mild and entirely safe remedy, the deaths were reduced to two thousand nine hundred and forty, so that the proportion of deaths from small-pox to those from all other causes, had been reduced from one in seven, down to one in one hundred and four.

It is believed that the principality of Anspach, in Bavaria, containing a population of 286,406 individuals, lost five hundred annually in 1797, 1798, and 1799; and, in the year 1800, there perished one thousand six hundred and nine persons of that disease; but, so clear and distinct have been the effects of vaccination, that, from the year 1809 to the year 1819, only five cases have occurred, and not one death.

In France prizes are given to the surgeons who have annually vaccinated the greatest number of persons.

In Lombardy, in the year 1808, in Milan and Geneva, vaccination was believed to have extirpated the small-pox.

If the statements of intelligent travellers ought to be taken as evidence upon a subject of this kind, there can be no doubt that vaccination has operated the same beneficial effects in South America which it has done in Europe; and the journals of our own country bear testimony to its great and increasing good throughout the Republic.

The committee have viewed, with attention and concern, the promulgation of opinions tending to lessen the just confidence of the community in the efficacy of vaccination, from the circumstance of there being present slight affections of the skin, ulceration, or vascular disease. They will not undertake to decide what may be the effect of diseases of this character upon the result of vaccination, when they have affected the constitution of the individual, but think it doing no violence to the opinions of those who have adopted such, to consider them as a class distinct from the mass of the community. They are inclined to believe that the constitution of the individual vaccinated, with other causes, may vary the appearance of the disease in some degree, but not to change its character; to do that, there would be partial causes, easily detected and easily understood.

The committee, from all the reflection which they have been able to bestow upon the subject, are of opinion that no modification of the law is necessary, as its provisions put it amply in the power of those intrusted with the execution of it to punish abuses whenever any exist. They therefore recommend the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject referred to them by the resolution of the 6th instant.

SATURDAY, February 23.

Case of Henry Aberdeen, a Free Man of Color, and Owner of a Coasting Schooner—Question of Citizenship.

Mr. NEWTON presented a petition of Henry Aberdeen, a free man of color, master of a

schooner employed in the coasting trade of the United States, stating that owing to a recent construction regulating the enrolling and licensing vessels employed in the coasting trade, he, as well as all persons of his description, are debarred the right of owning or commanding a vessel, on the ground that they are not citizens of the United States; and praying such relief in the premises as may be just and proper. Referred to the Committee on the Judiciary.

Transactions in Florida—Imprisonment of the Spanish Officers, Don Marcos de Villiers, and Captain Arnaldo Guillemard, by Order of the Acting Governor, George Walton, Esq.

Mr. EUSTIS, from the Committee on Military Affairs, requested to be discharged from the further consideration of the petitions of Marcos de Villiers and Arnaldo Guillemard, (who pray the interposition of Congress to release them from prison in Pensacola, where they are confined by the acting Governor of West Florida;) and moved also that the petition, together with the accompanying documents, be referred to the President of the United States.

Mr. COOKE remarked, that, from an examination of the petition and documents referred to, there was reason to apprehend there had been such a usurpation and infringement upon the rights of the petitioners as required the interposition of the House. He therefore moved that the petition be referred to a Committee of the whole House on the state of the Union.

Mr. LOWMEYER thought the petition afforded an additional reason for giving more promptly a government to Florida, yet he was unwilling that such complaints should reach the Executive ear through the channel of this House. Indeed, he considered it altogether probable that those complaints had already reached the Executive. He therefore thought the reference proposed by the Committee on Military Affairs unnecessary, and the proposition of the gentleman from Tennessee (Mr. COOKE) improper; and, under these impressions, proposed that the same should be laid on the table.

Mr. TREMBLE rose to put a question to the chairman of the Military Committee. He wanted to know whether the petitioners were confined under a military order, or in virtue of some civil judicial process? If the confinement was by military order, he was satisfied the President, as commander-in-chief of the armies of the United States, could order their discharge; but if confined in virtue of civil process, then he did not suppose that the President had any power to interfere. The act of last session gave the President power to appoint a Governor in the Floridas, but it did not authorize him to reserve to himself any control over the judicial acts and proceedings of the Governor when appointed. There was no such reservation in the Governor's commission. The President had, it was said, given ample powers to the Governor. They were said to be the same

or equal to those vested in the Captain General of Cuba; and Mr. T. could not vote the reference of a petition to the President, as an intimation to him to assume a sort of supreme judicial power over that territory, without being first satisfied that a controlling power of that kind ought to be vested in him, either directly or indirectly.

Mr. COLDEN entered at some length into an examination of the facts connected with the case of the petitioners; and was proceeding to a discussion of the merits of the commitment of the petitioners to prison; when a question of order arose, which resulted in the SPEAKER's pronouncing that the first question, and the only one of course now before the House, was on discharging the Military Committee from the consideration of the petition.

Mr. EUSTIS explained the views of the committee in recommending the course they had thought it expedient to adopt, the main object of which was to procure the liberty of the petitioners, if they were entitled to it, in a manner more expeditiously than they could obtain it from the interposition of this House.

Mr. LOWMEYER further explained his views in making the motion to lay the subject on the table.

Mr. FLOYD could not conceive any powers which the Captain General of Cuba could have, or any Secretary of the Territory of Florida could have, to violate the liberties of those who should fall within their jurisdiction. Here were men lingering in confinement—and we were not now, he said, deliberating at the point of the bayonet, but in peace and safety deciding whether or not to lay the petition on the table. The man who could have the temerity in this House to lie by supinely on such a subject, may well tremble should he happen to be within the power of another Government. He was opposed to any delay, and thought it a subject that required the immediate interference of the House.

Mr. RANDOLPH thought this House could not, without a gross violation of its duty, turn a deaf ear to any man who says he is in bonds against law, and under our authority. It was not for us to sit here with stoic apathy, under circumstances like the present. It was worse than mockery to turn over the subject to the President of the United States, who is known, if not to approve, yet not to disapprove, of the conduct of the Captain General of Florida. The Congress sat here as the guardians of law and liberty. Were we asked whether we could not yield our confidence to the Executive? He answered, No; for that personage was surrounded by a multitude of counsellors, in whom there could not be wisdom—for, like Ishmaelites, the hand of each was raised against his brother. He disclaimed any personal hostility to any of the members of the cabinet—of one of whom he knew nothing, and for others of them he entertained a personal respect; but he repeated that, with such competitions and di-

FEBRUARY, 1822.]

Transactions in Florida.

[H. OF R.]

visions as existed there, he would vote for no such reference.

Mr. WRIGHT thought it was not proper to refuse a reference of subjects that constitutionally belonged to the Executive Department, on the want of personal confidence. He believed it was inexpedient to travel out of the road, and get into a field not our own, when we had so much business of an ordinary character that required the immediate attention of the House. Mr. W. expressed his decided approbation of the conduct of the late Governor of Florida, whose conduct, he thought, entitled him to the warmest gratitude and admiration of his country. He also adverted to the delays that had been interposed by the Spanish commanders in surrendering that territory pursuant to the treaty, and the various expedients that had been resorted to, to create sedition and insurrection in that country, against the authority of the United States—which therefore rendered the performance of the duty of the Governor of Florida an arduous, critical, and delicate task, and which required promptitude and energy. He thought it was therefore proper that the papers should receive the reference recommended.

Mr. COLDEN addressed the House to free himself from any imputation of being actuated by a feeling of hostility towards General Jackson, for Mr. C. remembered too well what this country owed to the gallantry of that man to feel any such sentiment. Mr. C. proceeded then to argue that the House could not dispense with inquiry in any case in which complaint was made to it; that, by the documents produced, enough was exhibited to establish a probability that a violation of personal rights had taken place, and to justify an exercise of the inquisitorial power of the House. He argued that these men had, by the treaty, become divested of their military character; that, if so, General Jackson had no right under the treaty to banish them from the province. If they choose to remain in the Territory, to select our institutions and soil, and forego their military character, could the treaty receive such a construction as to enable the Governor to say to them, no, you shall not become American citizens—you shall be banished hence? This proclamation was not justified by any law, nor by the treaty; it was an exercise of power without right. But there was another feature in the case, Mr. C. said, so gross that he should forfeit his character of a Representative of the people not to express his dissent from it, both for himself and colleagues. These banished men come back—they are imprisoned, and when they ask to be liberated, the acting Governor says to them, you ought to be liberated—if Governor Jackson was here he would liberate you—but I cannot—there is no remedy for you. Could this be the fact, asked Mr. C., that there was no remedy for a case so oppressive? It seemed that the Governor, in his parting orders to Governor Walton, says to him, you must obey no laws and no orders other than those coming

through me and delegated by me. How, asked Mr. C., could this injunction be reconciled with his character as acting Governor, by which all the powers of the principal devolved on him? Mr. C. put the question whether these men were to be left in prison, and the House to say to them, there is no remedy for you—we leave you to your fate? Was it sufficient to say they have their resort against the officer, in the courts, and by the recovery of damages? There was no court there to which they could appeal. The Governor claims supreme judicial power, and would it not be a mockery to refer these men to the sub-Governor under such circumstances? What redress could the President afford? He could dismiss the officer, it was true; but any order sent there by the President, we have the best reason to believe, would not be obeyed by the acting Governor, for Governor Jackson has forbidden him to obey any that comes not through him. Mr. C. thought some expression of the opinion of the House ought to be given. If these acts are violations of our own feelings, our laws, and our principles—we ought to say to the world, this is not our act, but is the unauthorized act of an individual.

Mr. WRIGHT replied to the gentleman from New York, (Mr. COLDEN,) and contended that the return of the military officers of Spain, was a violation of the treaty that had been made. And what security have we now for the tranquillity of that territory if those military officers can be authorized to make a show of departing according to treaty, and then return in opposition to its spirit, and sow the seeds of sedition and revolt among the people? When General Jackson retired from the government of the Territory, the administration of its power reverted to the President of the United States. The reference to the Executive, therefore, was peculiarly proper.

Mr. WALWORTH believed that his respect for the liberty of the people was not less than that of any other member of the House; and when a proper occasion should occur, he trusted such a disposition would be made manifest. But he contended that it was necessary for the benefit of the petitioners that the subject should be taken up by a body more competent to do summary justice than this House. The laws under which those transactions took place would expire during this session, and it would be impossible for this Congress to make the requisite examinations so as to do justice to the laws of the country on the one hand, and the rights of the petitioners on the other. The committee supposed the President was competent to give adequate relief, and that our Executive possessed the same relation to the Governor of Florida as the King of Spain had to the Captain General of Cuba. He had no objection to examine into the conduct of any military character where the duty of the military committee (of which he was a member) called them; but the great objection was, that neither the committee nor the

House had powers and facilities adequate to the giving of that prompt relief which the nature of the case seemed to require.

Mr. LOWMEDES would not have risen again, if the question had not assumed a new aspect since he made his motion to lay the report on the table. The petitioners, Mr. L. said, were now in jail, and if it was the wish of the House to give them relief, would it not be better to adopt that course which would afford it most promptly? As relief could be most speedily offered by the Executive, would it not be better, Mr. L. asked, to leave the subject to him? In adopting this course the House would not abandon its inquisitorial character, but best fulfil it by affording the most expeditious redress which the case admitted. If, however, the House disapproved this course, let it at once put a period to a debate which appeared interminable, provide a government for the Territory of Florida, and put an end to this thirty days' tyranny, as it was called. Mr. L. expressed his disapprobation of the practice of going into debate on every trivial occasion—on every resolution or motion proposing no matter what, and dragging into view the conduct of officers, military and civil, when the investigation was not intended to be followed by any act or proceeding. These discussions were injurious, and, he thought, improper, where they were not meant to result in some act or some definite effect. Where this was not the intention, and where no new fact could be expected, what advantage could result from occupying time which was intended for practical and useful legislation?

Mr. STEWART was in favor of discharging not only the committee, but the House, from the further consideration of the subject. He thought the only question was, or should be, whether or not the subject-matter should not be recommitted to the Military Committee, to report the facts, in order that it might be seen whether it was a matter for the legislation of this House, or for the exercise of Executive authority. In this view, it was merely a question of false imprisonment, and it seemed to be a matter to decide whether this House will resolve itself into a court to determine questions of that sort. And if they do determine to try such questions for the benefit of Spaniards, is it not equally proper, he asked, that we should decide similar cases among our own citizens? And if we are to decide cases of false imprisonment, is it not equally proper that we should undertake to try questions of assault and battery? He really thought it was a transposition of authority between the judicial and legislative departments, which was guarded against by the constitution. It led, in his opinion, to a protracted and unprofitable discussion, in which all that had been said of Jackson and Callava, *et id genus omne*, would be brought into view, and all those angry passions which those matters seemed so fertile in producing would break out anew. He thought every principle therefore of justice and of policy required that it should be referred to

the Executive department. It might also interfere with pending negotiations between this Government and Spain.

Mr. McDUFFIE thought the sound sense of the House would indicate the propriety of pursuing the course recommended by the Military Committee; and he feared that if the House were to act otherwise upon this subject, it must act upon it unwisely and injudiciously. What was the inquiry he asked? Not whether our officers had acted incorrectly, but whether the subjects of a foreign power have received from our officers an injury. And to whom is such application for redress to be preferred? To the Executive. It was not to be disguised that there were difficult questions pending between this country and Spain and that there was a disposition on the part of the agents of Spain to throw firebrands into the public councils, to distract the operations of this Government. They had already attempted to excite disaffection and disturbance in that quarter. He would admit there ought to be harmony in the Cabinet, and no man would go further than he would to discountenance a spirit of division and distrust. But he was not disposed to change the ordinary channels in which business should proceed on the ground that the nation had not confidence in the Executive. He asked if the gentleman from Virginia, (Mr. RANDOLPH,) in speaking of the loss of confidence in the Executive, did not mistake his own for the pulse of the House, and of the nation? What Administration, he would ask, had ever been fortunate enough to entitle itself to that gentleman's confidence? Or was it proper for the House to pay very great deference to the censures of a gentleman who had opposed every Administration? When it is so difficult, continued Mr. D., to preserve harmony among ourselves, it is at least desirable to exclude the effects of foreign disorganization and foreign influence. And what is there before the House as evidence on which to act, but *ex parte* statements of these petitioners; and this, too, to the exclusion of that testimony which the hold this Government has upon the duty and the honor of its own officers and agents presents to oppose it? *And whose fault was it, he would further inquire, that the government of Florida was proconsular and tyrannical? Whose but our own?* The government of Florida was an anomaly—a territory of this Government yet, inhabited by Spaniards. But could a free government be adapted to the condition of slaves! A free government is only auxiliary to human happiness when it holds its jurisdiction over a free people. Mr. McDUFFIE extended his observations to considerable length upon the necessity that existed of erecting a form of government adapted to the genius and habits of the people. The Spaniards there could have no just ideas of civil liberty, of trial by jury, &c., and it was the duty of the agent to examine his trust in the spirit of that government with which he was intrusted. *If any blame rested anywhere, therefore, it must be on those by whom*

FEBRUARY, 1822.]

Transactions in Florida.

[H. OF R.]

the government was organized. But, in reviewing the various circumstances, he thought we ought not to countenance a course calculated to produce distrust in our own Executive, and to lead the Spanish Government to believe that we would not sustain our own Administration.

Mr. REID (as well as he could be heard) spoke to show there was an impropriety in referring this petition to the Military Committee, but that its proper course would have been to the Judiciary Committee, as well from respect for the officers implicated, as to show to them that if their conduct had been improper, it would receive no countenance in this House. He knew nothing of the circumstances but from hearing the paper read; but he felt much interest in the transaction, and he would not disguise, that in this he had a feeling growing out of an intimacy with one of the parties concerned in this inquiry, of date as early as boyhood. He advocated a reference of the petition to the committee; and let the censure fall where it was merited. He was far from expressing any distrust of the President of the United States on this occasion, or in his proceedings in relation to Florida, but there was certainly no propriety in referring this matter to him. Where was the clause of the constitution which referred such a case to the Executive, and excluded this House from inquiring into it? If both are coequal, on what pretence will the House answer these Spanish gentlemen that we cannot afford them redress? Was it because it would produce discussion? Whatever investigation of the subject or discussion might take place here, it would not deprive the Executive of the power to act, and afford ultimate redress. How were these people attempting to throw firebrands in the public councils? Had they not been expelled from their firesides, from their homes, and finally thrown into prison? Was this a case of wanton or causeless appeal to the House? Mr. R. defended the act of last session, which, though passed in haste, was not intended to give the tyrannical powers imputed to it—not to confer the powers of a Spanish Captain General of Cuba; and the first idea he had of such a thing was when he heard the exercise of those powers; and heard of them, he said, with amazement. The people who had just emerged from a government of tyranny, were, by this construction of the act, thrown back into it. This was an effect never intended by Congress.

Mr. RANDOLPH made some remarks in explanation of his reasons for calling Mr. McDUFFIE to order, (which he had done from a misapprehension of that gentleman's meaning,) and his satisfaction with the explanation given. He had not the least disposition to carp at words used in the heat of debate, but the words used justified his construction of them. He ridiculed the idea of these poor Spaniards, kept under lock and key in Pensacola, throwing the brand of discord in the Cabinet—it needed no Guy Faux to execute such a gunpowder plot as that. In reply to the remark of the gentleman from

South Carolina, (Mr. McDUFFIE,) that he had not supported any Administration, he would merely say—though not to know that gentleman might argue himself unknown—yet he could say that, for more years than he had heard that gentleman's name, he was Chairman of the Committee of Ways and Means of this House, and gave his best support to the then Administration. In reference to the proceedings on the Florida bill of last session, he, acting at the head of the Committee of Foreign Relations in consequence of the indisposition of the Chairman, waited on the President, and asked to know the views of the Executive—the bill corresponded with those views.* He had

* This statement of Mr. RANDOLPH carries the origin of the bill up to the President and his Cabinet, as all who are conversant with legislation under such circumstances—carrying treaties into effect by law—know is always the case. Such bills are drawn in the Department of State, after Cabinet consultation, and then reported to the House, or Senate, by the Chairman of the Committee on Foreign Relations. The following is the whole of the bill that relates to the government of the Territory:

"SEC. 2. *And be it further enacted*, That, until the end of the first session of the next Congress, unless provision for the temporary government of said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same Territories, shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct, for the maintaining the inhabitants of said Territories in the free enjoyment of their liberty, property, and religion; and the laws of the United States relating to the revenue and its collection, subject to the modification stipulated by the fifteenth article of the said treaty, in favor of Spanish vessels and their cargoes, and the laws relating to the importation of persons of color, shall be extended to the said Territories."

A brief enactment, but very comprehensive, and under which General Jackson, first American Governor of the Florida, was commissioned with "*all the powers and authorities heretofore exercised by the Governor and Captain General and Intendant of Cuba, and by the Governors of East and West Florida, within the said Provinces, respectively.*" And upon this ample power, two limitations alone were placed by the commission—*first*, that no new tax should be imposed by the Governor; *secondly*, that no grant for land should be made, or confirmed. And with this commission corresponded the heading to the proclamation, drawn at the Department of State, and furnished to the General, and to be promulgated on taking possession of the Territories. Thus: "*By Major General Andrew Jackson, Governor of the Provinces of the Florida, exercising the powers of the Captain General and of the Intendant of the Island of Cuba over the said provinces, and of the Governors of said provinces, respectively.*" And, according to this heading furnished by the Government, all the public acts promulgated by General Jackson—ordinances, decrees, judgments, proclamations, &c., were headed with the same words; so that he constantly appeared, in his official character, as Captain General and Intendant of Cuba, and as the Spanish Governor of the two Floridas: a character quite inconsistent with the idea of any existence of the Constitution of the United States within the territorial limits of his dominion. He constantly repulsed the idea of the presence of the constitution in the Territory committed to his charge; and in that repulsion he was sustained by the Federal Executive Government at Washington, and by each House of Congress, each of these authorities refusing to entertain, as breaches of the constitution, the

never supported the bill of the last session. He was, therefore, exempt from any blame, personally, for the passage of it. Mr. R. went on at considerable length in reply to Mr. McDUFFIE, to vindicate his course on this and on various other subjects connected with the part he took in the public councils in years past. Mr. R. contended that it was perfectly competent for the House to order the discharge of the petitioners, as it had in the case of American citizens so held in imprisonment by the public officers, and between these persons and American citizens there should be no difference.

Mr. McDUFFIE replied at some length to Mr. RANDOLPH on those points of his remarks not particularly applicable to the question under consideration; and concluded with an argument to show that the Executive branch of the Government was the proper department to apply the petition for redress in the present case, which had been improperly addressed to this House.

Mr. HARDIN understood the import of the memorial to be, that the petitioners had been long citizens of Pensacola, and officers under the Government of Spain; that they departed from the territory pursuant to treaty, and returned as private individuals, for the purpose of revisiting the land of their nativity, and to enjoy their property. He denied the arbitrary powers which the gentleman from South Carolina (Mr. McDUFFIE) contended the Territorial Government possessed; and was proceeding in his remarks, when he (it being after 4 o'clock) gave way for a motion to adjourn, which was agreed to—ayes 81; and, thereupon, the House adjourned.

MONDAY, February 25.

Transactions at Pensacola.

The House then proceeded to the consideration of the unfinished business of Saturday, and the question recurring to agree to a motion to discharge the Committee on Military Affairs from the consideration of the petition of the two Spaniards, imprisoned in Pensacola by the orders of the acting Governor—

Mr. EVERTS, the Chairman of the Military Committee, stated that he was informed, from good authority, that the papers relative to the confinement of these men had been forwarded from Pensacola to General Jackson; that he had transmitted them to the President; that they were received in this city on Thursday last; that an order was issued for the release of the men on Saturday, and was actually despatched for Pensacola.

No question was taken on the subject previous to the adjournment, which took place before four o'clock, on the motion of Mr. RAN-

complaints forwarded against him by those who had been militarily dealt with under his government. For all which, see the debates in Congress, and the answers of the President to the complaining parties.

DOLPH, which motion, preceded by a pertinent speech, was founded on report, which had reached the Capitol, of the demise of Mr. PINKNEY, Senator from Maryland, which report afterwards turned out to be premature.

Mr. RANDOLPH's remarks were as follows:

Mr. R. rose, he said, to announce to the House a fact, which, he hoped, would put an end, at least for this day, to all further jar or collision, here or elsewhere, among the members of this body. Yes, for this one day, at least, said he, let us say, as our first mother said to our first father—

“While yet we live, scarce one short hour perhaps,
Between us two let there be peace.”

I rise to announce to the House, the not unlooked-for death of a man who filled the first place in the public estimation, in the first profession in that estimation, in this or in any other country. We have been talking of General Jackson, and a greater than him is, not here, but gone for ever! I allude, sir, to the boast of Maryland, and the pride of the United States—the pride of all of us—but particularly the pride and ornament of the profession of which you, Mr. Speaker, are a member, and an eminent one. He was a man with whom I lived, when a member of this House, and a new one too—and ever since he left it for the other—I speak it with pride—in habits, not merely negatively friendly, but of kindness and cordiality. The last time that I saw him was on Saturday—the last Saturday but one—in the pride of life, and full possession and vigor of all his faculties, in that lobby. He is now gone to his account, (for as the tree falls, so it must lie,) where we must all go—where I must very soon go, and by the same road too, the course of nature; and where all of us, put off the evil day as long as we may, must also soon go. For what is the past but as a span, and which of us can look forward to as many years as we have lived? The last act of intercourse between us was an act, the recollection of which I would not be without, for all the offices that all the men of the United States have filled, or ever shall fill. He had, indeed, his faults—foibles, I should rather say; and, sir, who is without them? Let such, and such only, cast the first stone. And these foibles, faults if you will, which everybody could see, because everybody is clear-sighted in regard to the faults and foibles of others; he, I have no doubt, would have been the first to acknowledge, on a proper representation of them. Every thing now is hidden to us—not, God forbid! that utter darkness rests upon the grave, which, hideous as it is, is lighted, cheered, and warmed by fire from Heaven—not the impious fire fabled to be stolen from Heaven by the heathen, but by the spirit of the living God, whom we all profess to worship, and whom I hope we shall spend the remainder of this day in worshipping, not with mouth-honor, but in our hearts; in spirit and in truth—that it may not be said of us, also,

FEBRUARY, 1822.]

Treaties with the Cherokee and Creek Indians.

[H. OF R.]

"This people draweth nigh unto me with their mouth, and honoreth me with their lips, but their heart is far from me." Yes, it is just so. He is gone. I will not say that our loss is irreparable; because such a man as *has* existed may exist again. There has been a Homer; there has been a Shakspeare; there has been a Milton; there has been a Newton. There ~~may~~ then be another Pinkney, but there is now none. And it was to announce this event I have risen. I am, said Mr. R., almost inclined to believe in presentiments. I have been *all* along as well assured of the fatal termination of that disease with which he was affected, as I am now. And I have dragged my weary limbs before sunrise to the door of his sick chamber, (for I would not intrude upon the sacred sorrows of his family,) almost every morning since his illness. From the first I had almost no hope. I move you, sir, that this House do now adjourn.

When Mr. R. concluded, the question was taken on adjournment, and carried, *nem. con.*

TUESDAY, February 26.

After the Journal of yesterday had been read, in a part of which the fact of Mr. RANDOLPH's having yesterday announced the death of Mr. PINKNEY was stated—

Mr. RANDOLPH rose and observed, that he prayed the indulgence of the House, and of the delegation from Maryland, and particularly of the young member behind him, (Mr. NELSON, of Maryland,) whom, as well as his late father, his fellow-laborer in that House, he was happy to call his friend, for having announced a fact which took place yesterday, though not true at the time the announcement was made. [He alluded to the death of Mr. Pinkney, of Maryland.] And it was due to his own character to state with precision the canal through which he obtained the information. On the seats reserved for them, I saw, said Mr. R., one of the Justices of the Supreme Court of the United States, who told me that the fact was so. I asked him if he was sure of it. He replied that he was—for he had just seen another gentleman—a most worthy member of the bar of Baltimore, equally entitled to credit, and none could be more so—who told him that he had seen the corpse. From thence I returned to my seat. At that moment a gentleman from Ohio (Mr. ROES) was addressing the Chair. The intervening time did not, as well as I could judge, exceed two minutes; and time, under such circumstances, would hardly appear shorter than the reality. I was myself, said Mr. R., under an impulse which I was as utterly unable to control, as I now am to control the throbbing arteries of my frame. It was under that impulse I announced it as a fact to the House—for I could not bear that we should be occupied with that sort of discussion which was then pending, or with any, at a time when a loss had occurred to this nation, and a void created

which never can be filled—the loss of a man whose legal reputation transcended that of any other man in this country—the President of that Court—of which both were most illustrious ornaments—only excepted; for, of all others, it might be said that, in point of professional renown, at least, they were *proximi longo intervallo*.

Mr. R. concluded, by expressing the hope that the apology he had made would be accepted by those to whom it was addressed. He owed it to his very respectable informant to state, that the whole grew out of that gentleman's mistaking the statement of the gentleman from whom he had drawn *his* information, which was, that he had seen a person who said *he* had seen the last sad remains of Mr. Pinkney, and not that he had seen them himself.

By unanimous consent, the entry above referred to in the Journal was then expunged.

On motion of Mr. SMITH, of Maryland, the order of business of the day was dispensed with, and a recess at the pleasure of the House was directed.

Soon afterwards a message was received from the Senate, announcing the death of the Hon. WILLIAM PINKNEY, a Senator of the United States from the State of Maryland, and that his funeral would be attended on to-morrow from the Senate Chamber, at 11 o'clock in the forenoon.

Mr. SMITH, of Maryland, then rose, and submitted the following resolution, which was unanimously agreed to:

Resolved, That this House will attend the funeral of the Hon. William Pinkney, late a member of the Senate from the State of Maryland, to-morrow at 11 o'clock; and, as a testimony of respect for the memory of the deceased, will go into mourning, and wear crape for thirty days.

And then the House adjourned over to Thursday.

THURSDAY, February 28.

Treaties with the Cherokee and Creek Indians, to extinguish their Title to Lands in Georgia.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

Under the appropriation made by the act of Congress of the 11th of April, 1820, for holding treaties with the Creek and Cherokee nations of Indians, for the extinguishment of Indian title to lands within the State of Georgia, pursuant to the 4th condition of the first article of the Articles of Agreement and Cession between the United States and the State of Georgia, on the 24th of April, 1802, a treaty was held with the Creek nation, the expense of which, upon the settlement of the accounts of the commissioners who were appointed to conduct the negotiation, was ascertained to amount to the sum of \$24,695, leaving an unexpended balance of the appropriation, of \$5,805, a sum too small to negotiate a treaty, also, with the Cherokees, as was contemplated by the act making the appropriation. The Legislature of Georgia being

still desirous that a treaty should be held for further extinguishment of the Indian title to lands within that State, to obtain an indemnity to the citizens of that State for property of considerable value which had been taken from them by the Cherokee Indians, I submit the subject to the consideration of Congress, that a further sum, which, in addition to the balance of the former appropriation, will be adequate to the expense attending a treaty with them, may be appropriated, should Congress deem it prudent.*

JAMES MONROE.

WASHINGTON, February 25, 1822.

The Message was read and committed to the Committee of the whole House, to which is committed the joint resolution making an appropriation for carrying into effect the Articles of Agreement and Cession between the United States and the State of Georgia, entered into on the 24th of April, 1802, and for other purposes.

Transactions in Florida.

Mr. WHITMAN, of Maine, rose to address the House. He thought the period had arrived in which it had become proper to take into the serious consideration of this House that part of the President's Message which related to the transactions in Florida. In the course he had thought it his duty to pursue in relation to the subject, he was actuated by no personal hostility to either of the individuals to whose conduct the inquiry principally related. The further prosecution of this investigation was an irksome task, but he believed it a duty to perform it. That part of the documents which seemed to be referable to the Committee on Foreign Relations, contained, in his opinion, facts which ought to arrest the attention of the people of this country. Would it be said that this subject was an affair which belonged to the Executive only, because those officers were appointed by the Executive? If, indeed, said Mr. W., the Executive only were affected by these transactions, the argument might be a good one. But the character of the nation was also involved, and it could not be the duty of the Representatives of the people to sit still, when it was evident that the Executive had no disposition to interfere.

Mr. WHITMAN thereupon handed to the Chair the following resolutions:

* This Message from Mr. Monroe deserves to be noted for its strict conformity to the constitution, in obtaining the sanction of Congress, through an appropriation, before he would make a treaty involving an expenditure to carry it into effect. These were only Indian treaties, for the purchase of Indian lands within a State; yet he would not hold the treaty until the object was sanctioned by the Legislative power. How different from these later times, when treaties are made, or proposed, with foreign powers, to purchase foreign territory at a cost of 10, 20, 50, 100, and 250 millions of dollars; and all kept a secret from Congress and the people; and if any treaty is made, even then not leaving Congress and the Senate to free action upon it, but making it an administration measure, to be carried into effect by all the means of acting on the will of members known to the power and patronage of the President.

Resolved, That such parts of the documents accompanying the Message of the President of the United States, of the 28th January last, as comprise the correspondence between Andrew Jackson, late Governor of the Florida, his deputies and substitutes, and the officers of His Catholic Majesty there resident, and the issuing by the said Jackson of his proclamation of the 29th September, 1821, be referred to the Committee on Foreign Relations.

Resolved, That such parts of the documents accompanying the Message of the President of the United States, of the 28th of January last, as relates to the exercise of judicial functions on the part of Andrew Jackson, late Governor of the Florida, and the controversy relative thereto, between him and Eiegus Fromentin, Judge of the Court therein, be referred to the Committee on the Judiciary.

Resolved, That such parts of the documents accompanying the Message of the President of the United States, of the 28th of January last, as relate to the employment of the military force of the United States, in the execution of the orders and decrees of Andrew Jackson, late Governor of the Florida, while claiming to act in a judicial capacity there, and to enforce his proclamation of the 29th September, 1821, be referred to the Committee on Military Affairs.

The resolutions having been read—

Mr. WHITMAN then resumed his remarks on the subject, and expressed his opinion that the Governor of Florida did not possess those judicial powers of which he claimed the exercise. He referred to the act under which that officer was appointed, and contended that it was not a fair construction of that law to consider it as conferring upon the Governor the powers which the Spanish Government had conferred upon the Captain General of Cuba. The law was made with reference to the existing habits and laws of this country, and it was never a part of the policy of this Government, or of the people, to combine judicial, executive, and military powers in the same person—and he contended that the moment the cession was consummated, the laws of the United States took place of the Spanish laws in the Territory of Florida. He also maintained that, so far as the laws of Florida were adopted, they were cumulative only, and did not exclude the fundamental laws of this Government, and these laws it was the especial and exclusive right of the judge who was appointed over that Territory to interpret and enforce. He therefore thought there was a peculiar propriety in referring this part of the subject to the committee to which he proposed to refer it.

In respect to the third part of the resolution, he also expressed his views at length in enforcing a reference of it to the Military Committee; and concluded by observing that he should have ceased his remarks long ago had he not been interrupted; yet he could not forbear to express his hope that the House would not sit still and sanction, by silent acquiescence, a combination of executive, judicial, and military powers in a single individual, which was a precedent too important to be suffered to gather strength by the silence of the House.

FEBRUARY, 1822.]

Transactions in Florida.

[H. OF R.]

Mr. WRIGHT, of Maryland, expressed his regret that a subject which had already excited considerable discussion, should now be brought forward in another shape. He believed it was unwise to suffer it to distract the attention of the House, at a time when other subjects of greater importance were pressing upon the attention of this body. He contended that the course pursued by the Governor of Florida was evidently correct, and that the documents before the House fully proved it. He had read them with admiration, and they renewed his confidence in the distinguished person who was sent to execute the laws in Florida. The people of that place did not even possess Territorial laws. It was not possible, at that time, to make such a code of laws, and General Jackson was sent, clothed with authority to carry such as were adopted into execution. And what has he done? He has done what the law directed, and he has done no more—and such is the opinion of the Executive. If anybody is in fault, it is the Executive. Why not move, then, that he be impeached? Take the bull by the horns instead of directing these measures against an officer whose conduct is approved by the Executive of the nation. Mr. W. adverted to the equivocal and shuffling evasions that were resorted to by the Spaniards to procrastinate or defeat the cession. Energetic measures were essentially necessary to accomplish the objects of our Government; and, as General Jackson was charged with that duty, he was under an imperious obligation to secure the rights of this Government. In the performance of the task required of him, Mr. W. contended, General Jackson had acted strictly within his duty. The Spaniards had evaded, by every possible artifice, the fulfilment of the treaty of cession. One stipulation of that treaty was, that those Spaniards who were there should depart from the Territory. It was contended, however, that, although they came back again, yet, by once departing, they had complied with the treaty. But was this a fulfilment of the spirit of that instrument?

Mr. GILMER rose to give the reasons why he thought the documents relating to the transactions in Florida, ought to be referred to the Committee of the whole House, to whom is referred the bill for establishing a government for the Territory of Florida. He quoted the law of the last session to show that, by it, certain rights were reserved to the people of Florida, &c. He also quoted that law to show what sort of authority the President was to give to officers appointed for Florida, and compared General Jackson's commission with the provisions of that law, with a view to show that the powers granted to him, (being those belonging to the Captain General of Cuba,) were greater than those contemplated by the law of the last session. It was important, he argued, that, in the establishment of a system for the future government of Florida, no such mistake should be committed. He was, with a view to

this object, about inquiring into what were the powers of the Captain General of Cuba, when the Speaker restrained him in the range of his remarks, by observing that the question before the House (that of laying the resolutions on the table) did not admit of that course of debate. Mr. G. then only added, that he thought it important that the Committee of the Whole, on the bill for the government of Florida, should have these papers before them, in order to detect the error from which so much difficulty had flowed.

Mr. LOWNDES expressed his hope that those resolutions would be ordered to lie on the table, and further expressed his opinion that no advantage would result from referring these documents to any committee. The general facts which they presented were sufficiently known to be referred to in debate on the Florida Government bill, without specially referring them to the committee on that subject. The whole subject was already before the House, and before the people of the United States, and he did not perceive that any special order in relation to these documents was necessary, or even desirable, &c.

Mr. BUCHANAN was of opinion that, after what had passed, a full investigation ought to be had on this subject. A charge had been preferred against a public officer of high character, not only of an intention to violate the laws of the country, but of having actually violated them: and, said Mr. B., we, the representatives of the people, are bound to investigate the charge. The most serious consequences might be expected to result, if, after charges of this sort were made against an individual, this House should avoid meeting the question—should put them to sleep by permanently laying them on the table. He, for one, was willing to meet the proper responsibility of declaring his opinion, either of the guilt or innocence of this distinguished individual. This was what the people would expect of their Representatives, and Mr. B. trusted they would not be disappointed. The best course, he thought, which this subject could now take, would be, to refer the subject to a Committee of the Whole on the state of the Union, and take it up after other subjects, demanding more immediate attention, should be disposed of.

Mr. CANNON was in favor of laying the motion on the table, and of keeping it there. He had been of opinion from the first that it was not a proper subject for the interposition of this House. If any improper exercise of authority had existed in Florida, the President of the United States was responsible for it, and to him he wished to leave it, &c.

Mr. WHITMAN made a few further remarks; when,

The question was taken, and the motion to lay the resolution on the table prevailed—ayes 101, noes 41.

SATURDAY, March 2.

Transactions in Florida—Final Action of the House—Refusing (without division of its members) to take Cognizance of the Complaints of the Persons who had been Extemporaneously, and Militarily dealt with, either by Governor Jackson himself, or by the Acting Governor, George Walton, Esq.

The next subject in the orders of the day, was the report of the Committee on Military Affairs on the petitions of the Spanish officers confined in Pensacola, which report recommended that the Military Committee be discharged from the further consideration thereof. The motion depending when this subject was last under consideration, was, to lay it on the table—which would be in effect to put aside the subject. And the question was taken on laying the same on the table, and decided in the affirmative, without a division.

Suppression of Piracy.

Mr. McLANE, from the Committee on Naval Affairs, reported, in part, pursuant to certain resolutions submitted to them, respecting the piracies committed in the Gulf of Mexico and the contiguous seas—setting forth the measures that had been resorted to to suppress them, and the views of the committee in relation to further measures that were necessary for that purpose.

The report is as follows :

The Committee on Naval Affairs, to whom was referred the several resolutions of the House of Representatives, of the 3d of January, and 5th and 6th of February last, beg leave to submit the following report, in part : That they have made the investigation which the importance of the subject demands, and have kept in view the general object of protecting the persons and property of the citizens of the United States, and of guarding the laws of the United States from violation, upon terms the least embarrassing to the public finances.

The extent, however, to which the system of plunder upon the ocean is carried on in the West India seas, and the Gulf of Mexico, is truly alarming, and calls imperiously for the prompt and efficient interposition of the General Government. Some fresh instance of the atrocity with which the pirates infesting those seas carry on their depredations, accompanied, too, by the indiscriminate massacre of the defenceless and unoffending, is brought by almost every mail, so that the intercourse between the Northern and Southern sections of the Union, by sea, is almost cut off.

The committee are induced to believe that this system of piracy is now spreading itself to a vast extent, attracting to it the idle, vicious, and desperate of all nations, and, more particularly, those who have heretofore been engaged in the slave trade, from which the vigilance of the American cruisers have driven them; and that, if they are not winked at by the authorities in the Island of Cuba, they are in no respect restrained by their interference.

The committee are also of opinion, that, extended as the American coast has now become, the danger of smuggling has considerably increased, and that

both these considerations recommend the employment of an ample naval force, which, for scouring those seas, shall have the effect of driving the present freebooters from the ocean, and of preventing others from resorting to similar practices. Depredations of this description can be effectually broken up only by keeping up such a force as will render the hazard of engaging in them greater than the emolument to be derived from success.

Under this view of the subject, the committee have inquired into the situation of the vessels now belonging to the Navy of the United States, to ascertain what portion of them may be advantageously employed for the purposes embraced in the above resolutions.

That of those actually employed, they find that the ship Franklin, of 74 guns, is in the Pacific Ocean, for the protection of our commerce and whale trade in that quarter; and that the Constellation frigate, of 36 guns, is in the same ocean, but ordered to return to the United States upon the arrival of the Franklin; that the schooner Dolphin, of 12 guns, accompanies the Franklin as absolutely necessary upon so long a cruise.

That the frigate Constitution, of 44 guns; sloop of war Ontario, of 18 guns; and schooner Nonsuch, of 10 guns, are cruising in the Mediterranean, to keep the Barbary Powers in awe, and protect our commerce on that sea; and, it is believed, that a less force would be inadequate for these objects.

That the sloop of war Hornet, of 18 guns; the brigs Enterprise and Spark, of 12 guns each; and the schooners Porpoise, Grampus, Shark, and Alligator, of 12 guns each, are already cruising in the West India seas and Gulf of Mexico, for the protection of trade, suppression of piracy, and traffic in slaves; and that two gunboats, Nos. 158 and 168, are also cruising along the coasts of Georgia and Florida for the same purposes.

That the frigate Macedonian is now equipping at Boston, and will soon sail on a cruise for the same object; and that it will be necessary to keep at least one vessel of war, either a corvette or schooner, on the coast of Africa, as the most efficient means for the suppression of the slave trade.

The committee are of opinion that the foregoing enumerated force could be withdrawn from the service in which it is employed without detriment to the public interest, and that the force now in the West India seas and Gulf of Mexico is inadequate for the objects specified in the resolutions above referred to.

That the rest of the force belonging to the navy, consisting of the Java, of 44 guns, and now unworthy of repairs; the Erie, of 18 guns; the Peacock, of 18 guns; Congress, of 36 guns; Guerriere, of 44 guns; John Adams, of 24 guns; United States, of 44 guns; and Cyane, of 24 guns, are in ordinary at the different navy yards, at Boston, New York, Washington, and Norfolk.

But the committee do not hesitate to pronounce sloops of war to be better adapted to the purposes contemplated by the resolutions than frigates, or smaller vessels. They are superior to frigates, because being in relation to the service equally efficient, and costing no more than half the sum, the same expense will enable us to multiply the chances of success by increasing the number of vessels, and doubling the efficiency of the same expense. They are superior to smaller vessels, because they are decided-

MARCH, 1822.]

Proposed Adjournment.

[H. OF R.]

ly of a greater force than any of the piratical cruisers, or even the vessels employed in the slave trade, many of which are now, or soon would be, more than a match for schooners. The number of the men on board of sloops of war would also give these vessels the advantage, by enabling them to man their prizes more securely; to man and send their boats in force into waters too shallow for schooners, where the pirates seek shelter, and for many other objects necessarily incident to such a service. Nor do the committee suppose that the consideration of promoting and preserving a proper discipline among the officers of the navy is altogether to be overlooked in deciding upon the species of force to be employed in a particular service.

The committee are of opinion, therefore, that, to afford immediate and effectual protection to our commerce in the West India seas and the Gulf of Mexico, the most expeditions and advisable course, in the first instance, would be, to fit out the corvettes *Cyane* and *John Adams*, and the sloops of war *Peacock* and *Erie*, which can be accomplished within a short time, and with little expense; that the *Erie* can be fitted for sea in the course of five months, the *Peacock* within two months, the *John Adams* within six weeks, and that the *Constellation* frigate, should it be thought necessary, may be directed, on her return from the Pacific, to cruise in the West India seas, though it is believed it would be more expensive to build additional sloops of war for that purpose.

The four first-named vessels are now undergoing repairs, and the amount necessary for this purpose is already embraced in the estimate for the present year; so that, if they should now be directed to be put in service, it will be necessary to increase the estimates for the service of the current year not more than one hundred and twenty thousand dollars. And the committee are authorized to state, that this appropriation will not materially vary the state of the Treasury, as disclosed by the Secretary's report, because, since the date of that report, there has been transferred to the surplus fund an amount of unexpended balances of appropriations for the naval service, sufficient to meet the increased expenditure. But the committee cannot suppose, that where the safety of the commerce and citizens of the United States call imperiously for the exertion of the national force, so small an expenditure can be a matter of any moment. If the protection be necessary, it must be yielded, and the only consideration connected with the cost should be, that the money necessary to make it effectual should not be wastefully expended.

The committee further report that, in their opinion, it would be *expedient* for the United States to employ, arm, and equip private vessels, for this purpose. If the force already indicated be insufficient for the purpose, the committee would prefer recommending the building of additional sloops of war, rather than to purchase private vessels; which are always of inferior composition, and of unsuitable construction, and requiring repairs and an unprofitable expense, to alter and make them at all fit for public vessels.

The committee are also of opinion that it would be *expedient* "to authorize the destruction of persons and vessels found at sea, or in uninhabited places, making war upon the commerce of the United States, without any regular commission." And that it would be *inconsistent* "with public law, or general usage, to give any authority to destroy pirates and piratical vessels found at sea or in uninhabited places."

The committee are of opinion, that it would be dangerous, and productive of great evil, to vest in the commanders of our public vessels an authority to treat as pirates, and punish without trial, even such persons as above described.

It is not necessary for the accomplishment of the objects in view that such an authority should be given, and it is essentially due to the rights of all, and the principles of "public law, and general usage," that the consequences and punishment of piracy should follow only a legal adjudication of the fact.

On the whole, the committee are of opinion, that the employment of a sufficient number of vessels in the West India seas, and the Gulf of Mexico, authorized to make captures under the existing laws and regulations, if the officers are properly industrious and enterprising, would afford all the protection required, and the committee therefore recommend the adoption of the following resolution:

Resolved, That it is expedient, forthwith, to fit out and put in service the corvettes *Cyane* and *John Adams*, and the sloops of war *Peacock* and *Erie*, for the protection of commerce, and the suppression of piracy, in the West India seas, and the Gulf of Mexico, and also to employ the frigate *Constellation*, should the President of the United States deem the employment of a frigate necessary for the purposes aforesaid.

The report and resolution, on motion of Mr. McLANE, were laid on the table, and ordered to be printed.

Proposed Adjournment.

Mr. RANDOLPH, agreeably to notice heretofore given, introduced a joint resolution for the double purpose of raising a committee to select and arrange such business as might be deemed indispensably necessary to be acted on at this session, and also to fix an early day for adjournment.

Mr. CANNON was willing to concur in the part of the joint resolution which contemplated a limited day for adjournment. But he was entirely unwilling to put it in the power of any joint committee to select from the orders of the day what subjects should be acted on. Experience had convinced him of the expediency of refusing to appoint any committee for that purpose, short of a majority of the House. It was desirable that equal justice should be done to all, and perfect impartiality could not be expected in the disposition of the business, from any committee that could be selected.

Mr. ROCHESTER called for a division of the question, and the branch that related to the appointment of a joint committee to select and arrange the business necessary to be done was first in order.

Mr. WRIGHT said the House had not the necessary facts before them which could authorize them to fix a limit to the session. Three or four weeks hence it would be much easier to act on this resolution than now. Hitherto we have done almost nothing but talk, and talking, too, at the rate of four hundred dollars an hour. There was an evident *cacothes loquendi* in the House, which, it was to be hoped, would be re-

H. OF R.]

Military Academy.

[MARCH, 1833.]

strained. He (Mr. W.) came here as a public servant, to do business, and it was the duty of the House to act on the same principles in relation to their business as a court of justice would; and he was sorry that any time should be taken up in discussing this question.

Mr. SAWYER rose to inquire whether, if such a committee were raised, it could place upon the list such cases as were not referred to a Committee of the Whole, but to standing or select committees, and he adverted to a bill which he deemed of importance, in relation to the abolition of sinecure offices in certain collection districts, and which he thought should be acted on at this session.

Mr. NELSON, of Virginia, was in favor of selecting and arranging the business that was indispensably necessary to be acted on before Congress should adjourn. It was a practice of long standing, and he thought a useful, if not a necessary one.

Mr. E. JOHNSON, under the impression that the motion was premature, moved that it lie on the table.

Mr. RANDOLPH was unwilling that the sessions of Congress should be protracted to such a length that nobody fit to represent the people would be able to come here. He referred to the situations of the merchants, the agriculturist, and the lawyer, to show that such persons could not afford to remain here during a long session for the pay they received; and he feared the consequence would be that Congress would be made up of the refuse and offal of all professions, not excepting the clerical. What other great measure, he asked, had been elaborated by the committees of this House, except the bankrupt bill? and that had been previously cut and dried. There was no more pressing or important business now than last year, when the session was limited to the 4th of March, and there was perhaps more danger of doing, than of not doing, the public business. He thought he should take the liberty of saying *no* to every proposition that should be presented to the House, before he went away—not excepting the civil list—for he was not prepared to vote away any more of the money of the people, until that which had been previously voted was fully accounted for, &c.

Mr. BALDWIN was sorry that this proposition should be brought forward at the present period of the business of the House. It was admitted on all hands that very little had been done; and, if we now go home and say we have done nothing, and are inquired of for the reason of our abrupt departure, what shall be the answer? Can a satisfactory one be rendered? What would any man say to an agent to whom he had intrusted his private business, that should render him no other excuse? If there had been an unnecessary waste of time, the way to redeem it was, not to go away and leave the business unfinished, but to make no such waste of more. There was important business to be done in relation to the public lands, and impor-

tant claims on the Government to be adjusted. But what are we told? Are we to say *no* to every proposition that shall be presented? Or is it not our duty to listen and examine? Mr. B. would not say there had been an unnecessary waste of time at the present session; but, if there had not, it was very certain that it took much time to do little business. The people and petitioners have subjects before us that they expect will be acted upon—they expect that their claims will be either allowed or rejected. But it is said that if we protract the session, Congress will be filled with the refuse and offals of all the professions. But did the gentleman from Virginia (Mr. RANDOLPH) look to the history of Congress when he made the remark? The first Congress under the Government sat almost the whole year, and Mr. B. adverted to a statement to show that the period proposed for this session was shorter than had been ever known for the first session of any Congress during the whole period of the Government. There was much business before the House. The nation was extending in its population, in its territory, and in its interest, and in all its relations. He would ask, then, whether the members of the House could feel that they had done their duty in going off before the public business was accomplished? He believed that the apology of personal inconvenience would not be accepted. Mr. B. was not disposed to abridge the freedom of debate. He believed it was suited to the genius of the Government; but it was generally found that there was too much of it at the commencement of a session, and too little at the close. With him there was but one rule, and that was to do the public business, and then adjourn.

Mr. EDWARDS, of North Carolina, was opposed to the motion. He was anxious to take measures to assign some limit to the session. By referring to the journals, it would be seen that there was usually as much business done in a short session as in a long one. Fix a time to adjourn, said Mr. E., and then, and not until then, shall we attend to business.

The question was taken on the motion to lay the subject on the table, and decided in the negative by a small majority.

Military Academy.

The next business in order was the consideration of the report of the Committee of the Whole on the bill making certain appropriations for the support of the Military Establishment.

The question which was under consideration, when this subject was last up, (on Friday week,) was on agreeing to the appropriation for the Military Academy.

To this appropriation, to the amount proposed, objection was made by Mr. COCKER; whose object was to appropriate enough for the immediate support of the institution only, wishing to have a full view of the expenses, &c., of this institution, that the people might see how much

MARCH, 1822.]

Military Appropriation Bill.

[H. OF R.]

the United States paid for the support of the sons of the richest men in the country.

On this subject there took place considerable debate, and on a motion to recommit the bill, in which Messrs. STEWART, MALLARY, EDWARDS of North Carolina, F. JOHNSON, SMITH of Maryland, MERCKE, WARFIELD, NELSON of Maryland, COOKE, and SMITH, took part,

The question to recommit the bill was taken and lost without a division.

MONDAY, March 4.

Sunday Mails.

Mr. WRIGHT submitted for consideration the following resolution :

Resolved, That the Committee on the Post Office and Post Roads, inquire into the expediency of preventing the carriage of the mails on the Sabbath day, and that they report by bill or otherwise.

Mr. WRIGHT rose to address the Chair in support of the resolution. The following has been furnished by Mr. W. as being the substance of his remarks :

Mr. Speaker, I am requested by a number of my constituents to endeavor to effect a regulation in the carriage of the mails, so as to prevent their being carried on the Sabbath day. We now enjoy a profound peace with all the nations of the earth, under the kind providence of the great Benefactor of the Universe, who has inscribed on the heart of the whole human family his law, "to keep the Sabbath day holy." It will be recollected that even during the late war, when this subject was before this House, that I then advocated this restriction as far as practicable, not inconsistent with the best interest of my country ; and I have a perfect confidence that my devotion to the prosecution of that war by the exercise of all the energies of the nation, will never be forgotten. I have, sir, during the war, advocated this measure, as will appear by the votes and proceedings in that case. Sir, in every State in this Union there is a law making it penal to violate the Sabbath by any work or labor. Sir, the right of Congress to direct the carriage of the mail on the Sabbath day, ought, in its execution, to be so exercised as neither to violate the divine law, nor in any manner to authorize the violation of the laws of the States, unless in such cases as necessity may impose, in which we shall find our justification even in the divine law. I have consulted the Postmaster General on this subject, and am happy to inform this House that it meets his approbation in a certain degree.

Mr. TAYLOR, of New York, required the question that the House do now consider the resolution ; which question being taken, it was decided in the negative. So the House refused now to consider the resolution.

Military Appropriation Bill—Military Academy—its expenses.

The orders of the day being then called for, the bill making an appropriation for the support of the Military Establishment for the year 1822,

was read a third time, when Mr. COOKE moved to recommit the bill for the purpose of correcting a mistake which he had been instrumental in producing in the bill, in which he had supposed that \$86,900 would cover the expenditures for the year of the Military Academy. He had since ascertained that the sum of \$98,139 would be necessary for its support on its present footing, and it was with the view of correcting that error in the bill that he proposed the recommitment of it.

Mr. RANDOLPH made some remarks at some length in favor of a recommitment, with views more comprehensive than those of Mr. COOKE.

Mr. VAN WYCK felt it his duty to vote against this bill in its present shape, and at this time. But sir, I shall vote against the bill, because I think it high time that this Government curtailed its expenses. Indeed, sir, the very moment after the peace of 1815, steps ought to have been taken to have returned to the old Peace Establishment of 1808 and 1809. At peace, as we now are, with all the world—not a nation, that I know of, that would raise a finger against us—it can, therefore, no longer be necessary to keep up this expensive and imposing attitude. If, under the old Peace Establishment, when Mr. Jefferson administered this Government, when we were every day threatened with a war, a reliance could then be placed on ourselves, or rather on the militia of our country, I think at this time the same confidence may again be restored. Under that Administration, for eight years, the whole sum appropriated for the Military Department was but \$11,295,625, or the annual average appropriation was only \$1,412,075. But, sir, what does this bill require ; or, rather, what does the Secretary say will be necessary for the year 1822 ? Not less than \$5,165,896 19. In two years, then, in a profound state of peace too, we now require as much as was then used in eight years, although the country was in a partial state of war.

Let us take another retrospect. During the eight years of Mr. Jefferson's Administration, the whole revenue of the country averaged annually but \$13,363,860, and with it was not only paid all the current expenses of the Government, but the national debt was sunk \$40,000,000. But, sir, for the last two years the average annual revenue of the United States has been \$15,054,511. And with it, sir, what have we done ? Not only the whole of this has been expended, but the national debt has been increased \$4,554,272 16. With an annual revenue of \$1,690,711 more than was received under the Administration of Mr. Jefferson, we have actually swelled our debt more rapidly than it was ever done in the most prodigal days of the Federal Administration. If, sir, it is intended to be profuse with the public money, I hope it will be backed at once with a bill for a direct tax of five or ten millions. Let the people see our drift. I am certain that they will, as in 1799 and 1800, come out and meet us on this subject. For a young nation so remote from danger, and one,

too, who has so lately experienced a total loss of pecuniary credit in time of war, so soon to forget this; so soon to forget that economy, and the discharge of our debts in time of peace, are the only solid base for a good credit in time of war; and so soon, too, to forget those excellent lessons left us by that legislative body under the Administration of Thomas Jefferson, I think, augurs nothing favorable.

I hope, however, that the chairman of the Committee of Ways and Means will take no exceptions at what I have said; for I do not think that he has done any thing more than was required. He has reported to us a bill predicated upon the existing laws of his country. What less could he have done? If you will so continue the form of your laws as to keep up a large military establishment, do you expect that the Secretary of War will be able, without our assistance, to maintain them? If you will build 74s, and display them upon the ocean in time of peace, you cannot expect that the Secretary of the Navy, or any other Secretary, will do it at their own expense. And, though not exactly applicable, if you will swell this representative body, and pay us eight instead of six dollars a day, you must expect that these trifling items, as they have been called, will also swell the mass. From pennies, pounds are produced. From our inattention to these little insignificant sums, as they have been so sarcastically called, of \$100,000, \$200,000, \$300,000, or \$400,000 each, when they appear in the aggregate, astonishment will be produced, and suspicion but too often succeeds.

So, sir, it is not the fault of the Committee of Ways and Means. It is not the fault of the Executive part of this Government. We are a free and independent branch; let us do our duty, and if the others will not concur in altering a set of laws that have drained our Treasury, swelled our debt, and actually baffled the skill of our financier to furnish the means, let them be accountable to the proper authority—to the people.

Our course now, I hope, will be to recommit this bill, with instructions to bring in a partial appropriation bill, to answer the immediate exigencies of Government, and not to pass the general bill until after that select committee have reported, to whom was referred an inquiry into the modification of our laws, so as to place us upon the old Peace Establishment of 1808 and 1809. When that is done, and we have altered our laws, it will then be time enough to bring in a general bill predicated upon those laws.

After some further remarks from Mr. COCKE, the question was taken on the proposed recommitment, and decided in the negative—ayes 37.

The question then being on the passage of the bill, and Mr. RANDOLPH having required the yeas and nays thereon, (his leading objections being to the appropriation for clothing of the Army so far in advance as for 1823,) the yeas and nays were taken accordingly; and there were—for the bill 138; against it 23.

TUESDAY, March 5.

Christianization of Indians—Leave to withdraw the Papers.

Mr. METCALFE, from the Committee on Indian Affairs, moved, on behalf of that committee, the following resolution:

Resolved, That the Committee on Indian Affairs, to which was referred the report of the Reverend Jedidiah Morse, made by him in pursuance of the objects specified in his commission from the President of the United States, bearing date the 7th of February, 1820, be discharged from the further consideration thereof, and that the said Reverend Jedidiah Morse have leave to withdraw the same, and also the accompanying documents.

The resolution was read, and, on the question to agree thereto, it passed in the affirmative.

Transactions in Florida—Mr. Archer's Resolutions.

Mr. ARCHER moved that the House do come to the following resolutions:

1. *Resolved*, That the appointment, during the past year, of a Governor of the provinces of East and West Florida, invested with larger powers than were "exercised by the officers of the existing government" of said provinces at the time of their delivery to the United States, was not authorized by the act of the last session of Congress, entitled "An act for carrying into execution the treaty between the United States and Spain, concluded at Washington, the 22d of February, 1819."

2. *Resolved*, That the appointment of a Governor of the provinces of East and West Florida, with authority to exercise supreme executive powers within the same, was a contravention of the Constitution of the United States.

3. *Resolved*, That the arrest and imprisonment, in the month of August last, in Pensacola, in the province of West Florida, by order of the chief executive officer therein, of Don Jose Callava, then or recently charged with the functions and character of a Commissioner of the Government of Spain, were in contravention of the immunities attached to the condition of agents of a public character, by the law and usage of civilized nations.

4. *Resolved*, That the issuing, about the same time, by the same officer, of a citation, in the nature of a process of contempt, against a person holding the commission of a judge of the United States within the said province, for an alleged undue discharge of a judicial function, was a proceeding not warranted by any legal authority vested in the said officer.

Mr. ARCHER was proceeding to state the motives which induced him to offer the resolves; when

The question to *consider* the resolves (which admits of no debate) was put, and decided in the negative. So the House refused "now to consider" these resolutions.*

* And thus the House refused to "consider" the resolutions submitted by Mr. Archer, one of which declared a breach of the Constitution of the United States—the breach attaching itself to the "appointment" of a Governor with

MARCH, 1822.]

Army Expenditures.

[H. OF R.]

Army Expenditures.

The SPEAKER laid before the House a report from the Secretary of War, submitting a comparative view of the expenses of the army

such extensive powers. This refusal corresponded with repeated other decisions by the House, coupled with expressions of regret from members that General Jackson had acted with so much energy; but, as to the right to do so, there was no question. The temporary act of 1821 authorized it; and, as for our constitution, it had no more application in Florida under that act, or by its own vigor, than the Koran had. Judge Fromentin planted himself upon the constitution, and was immediately shown his error by General Jackson, and afterwards by the Administration—to which he appealed. Callava presented the strongest case; and he was too well advised to have recourse to the constitution: he took position under the law of nations, and his character as Commissary of the King of Spain for the delivery of the province; and presented his case formally to the Executive Government through the Spanish Minister. From it he received the same answer which General Jackson had previously given, and which was as follows:

Mr. Adams to Don Joaquin de Anduaga, Minister from Spain, &c.

[EXTRACT.]

Far would it be from the intention of the American Government to draw within its rigorous limits the exemption from ordinary legal process of a foreign public officer. It would extend to them a liberal measure of time and a full portion of indulgence for the execution of the trust, and for departure after its completion. But it cannot perceive the justice of extending these privileges beyond their limits as sanctioned by custom, for purposes of injustice and wrong. And here we are led to the inquiry, what was the immediate occasion of the summons to Colonel Callava, his resistance against which prompted the subsequent rigorous measures, in reference to his person, house, and papers, complained of in the note of Mr. Salmon? He had withheld, and caused to be packed in boxes for transportation, public records, relating to the property of the province—judicial documents, indispensable for vindicating the titles to succession of infant and orphan children. Application was made to General Jackson, in behalf of those orphans, for the legal judicial process to obtain those papers. He had proof that they had been removed, after a summons from him to the person in whose possession they had been to produce them, to the house and possession of Colonel Callava, for the avowed purpose of abstracting them from the process issued by his authority. Had that officer's personal immunity been complete and unquestionable, what greater abuse of it could have been made than thus to wrest from the course of justice the vouchers on which depended the rights and the subsistence of orphans? General Jackson, considering that Colonel Callava was not entitled to such exemption from legal process, issued the ordinary summons which would have been applicable to any other individual; and, on his refusal to answer the interrogatories put to him, committed him, as others in like cases would have been committed, to prison. By the same order he issued a commission for securing the papers, which ought to have been delivered up before, with all suitable caution, to prevent the taking of any others, and, immediately after the satisfactory return of that commission, ordered the release of Colonel Callava. Such appears to have been the character of the transaction, upon the report of it made by General Jackson; and, although the President cannot but contemplate with unfeigned regret this occurrence, he thinks that blame should be imputed to the party deserving it, and whose misconduct produced it; and that it is a justice due to General Jackson to make him acquainted with the objections in the note of Mr. Salmon to his conduct, and to receive his full explanation of the motives and considerations which governed him.

In concluding this letter, I cannot forbear reminding you, sir, that not only this, but all the other transactions of a painful nature which have arisen in the execution of the treaty, and which it was hoped would have terminated all the differences, and have led to the now harmonious intercourse between the United States and Spain, have proceeded from the unjustifiable delays and evasions of His Catholic Majesty's officers, in direct contravention, as is understood, to his orders and intentions, in withholding

proper, and Military Academy, for the years 1818, 1819, 1820, and 1821, and estimates for 1822, arranged under the various heads of expenditure, according to the present and former organization of the Department of War, made in

the documents, archives, and vouchers, of which the delivery had been expressly stipulated—vouchers indispensable to the United States, both for the dispensation of private justice and for the establishment of public right, but utterly useless to Spain; and the detention of which, by the Captain General and Governor of Cuba, and by the Spanish Governors of both East and West Florida, however intended, and by whatever motive induced, can subvert no purposes but those of fraud, injustice, and oppression. After a succession of delays, for a period of six weeks at the Havana, in a climate noted for its unhealthiness to strangers, of the Commissioner of the United States authorized to receive those documents, and of the vessel which had conveyed him, he was compelled to depart without them, nor have they yet been delivered. The attempts to carry away, both from Pensacola and from St. Augustine, many of those papers, can be viewed in no other light than as flagrant violations of the treaty. The President relies that they will be so considered by His Catholic Majesty, and that he has ere this given the most positive and effectual orders for the faithful execution, in this respect, of that instrument. I pray you, &c.

JOHN QUINCY ADAMS.
*Don JOAQUIN DE ANDUAGA,
Envoy Extraordinary, &c.*

The following is Governor CALLAVA's own statement of his case, as furnished to the Spanish Minister, dated October 8, 1821:

On the 17th day of July last, (1821,) at ten o'clock in the morning, I delivered West Florida, which was that day under my charge as Governor, in which character he met me, to the commissary, Don Andrew Jackson, in a public act, held in the Government house. There he received from me all the archives and documents registered, and directly relative to the property and sovereignty of that province of Florida; and he received them by faithful and exact inventories, which had been compared with the documents by four persons, and had been certified to be correct. From the constitutional Spanish alcalde, and by my order, an alcalde named by Don Andrew Jackson received, by like inventories, all the criminal and civil causes of the suits of the neighborhood which are pending before the tribunal of the first instance, over which he presided, and also the notices and papers of its archives.

The day previous to these transactions, (the 31st of August,) three persons, dependents of Don Andrew Jackson, (George Walton, Esq., Secretary of West Florida; Henry M. Brackenridge, Esq., Alcalde for the City of Pensacola; and Mr. John Miller, Clerk of the County Court for the County of Escambia,) came to the house of the secretary, (Souza,) to be informed if he had in his possession some military testamentary dispositions, which they mentioned to him. Souza told them yes, and without reserve they were shown to them; and he informed them that if they wished for any thing, they should ask me. All the papers which he had in his charge were closely examined; they declared they would carry off those which they had pointed out to him, because they could not be in his possession as a private individual. Souza told them that he was not a private individual; that he was an officer depending on my commission and authority; and that he could not give them without my order. And finally they went away, leaving the papers. They demanded of him an answer in writing, which they obtained from Souza, on a second visit.

The following day, (the 2d,) in the morning, this officer (Souza) met me in the street. He informed me of the occurrence, and also told me that he had resolved to carry the boxes to my house, with all the papers which he had in his possession, and had delivered them to my steward, not having found me within; because he was afraid, from what he had observed in those people, that they might take them away from his house, and he wished to save himself from the responsibility. And I answered that *it was well*.

At four in the afternoon of the same day, and not much before, I was dining at the table of Colonel George M. Brooke, of the fourth regiment of the United States line, and of the garrison at Pensacola, by whom I had been invited, with all the Spanish officers residing there. The company consisted of Brooke, his wife, Judge Fromentin, the commander of the United States vessel of war Enterprise, Mr. Michael Kearney, the citizens Vicar Don James Coleman, Don John Innerarity, Don Juan de la Eua, Don Pedro

H. of R.]

Army Expenditures.

[MARCH, 1892.]

obedience to the resolution of the 7th ultimo, which was committed to the Committee of the whole House on the state of the Union.

The report is as follows:

de Alba, and Don Jose Noriega; and the officers Lieutenant Colonels Don Marcos de Villiers and Don Francisco Palmos; Captains Don Luis Guayare and Don Bernardo Prieto; Lieutenants Don Arnaldo Guillemard and Don Carlos de Villiers; and Sub-Lieutenants Don Mariano Latady and Don Jose Ignacio Cruzat, secretary of my Government.

Don Domingo Sousa presented himself to me there, with an officer of the United States, telling me that he was a prisoner; and that the reason was, that the three persons of the former day had returned to his house the day before, telling him that they came with orders from Governor Andrew Jackson to seize the papers; that, having informed them that he had that morning sent them to my house, they searched his house, and at last carried him to prison. And he related before the company what had occurred about the papers with the same persons the preceding day.

I immediately ordered my aide-de-camp, Don Bernardo Prieto, accompanied by Alba, who was the public interpreter, to present my compliments to Don Andrew Jackson, and to inform him that Sousa was in fact, as he had intimated, an individual of my commission, and was under my power and authority; and that he could not deliver the papers in question of himself; that he would have the goodness to ask me in writing for such as he might find it proper to claim; and if they were to be given by the regulation of the treaty, or other particular circumstances, I would deliver them to him by the same procedure which indispensable regularity dictated, as had been done with the other papers; or that he should have, in the same way, a distinct explanation of the reasons which prevented their delivery; and that every direct mode of conciliation should be sought, if there was any thing that could be of use to him in any way.

The aide-de-camp and interpreter brought back for answer that Sousa should go to prison, and that they should tell me that I should be put into another dungeon with him.

It appearing to me that Don Andrew Jackson had not been well informed of my message by the interpretation, (although the incident offended me and surprised those at table,) I made the same persons return and inform him a second time; and that gentleman repeated to them in a loud voice, in the presence of several persons, and upon the street balcony, the same thing, saying, Colonel Callava to the dungeon!

An occurrence so strange and abusive in the presence of those who surrounded me at table, a great part of whom were there as a greater compliment to me, and others my subordinates, could not but raise a blush in my face, and disorder my stomach in the very act of eating, and in the convalescent state in which I was; and I felt myself attacked by a deadly pain, (which I almost habitually suffered, and which had frequently attacked me on the preceding days;) notwithstanding, I concealed the circumstance so as to render it impossible to be discovered, that, upon quitting the table, I might go and reflect, for it was not known upon what such answers or occurrences rested.

We all left the table. Brooke's lady was very much grieved, and I was going to the street, when three persons presented themselves to me in Brooke's house, telling me, from Don Andrew Jackson, that they came for the papers which Sousa had carried to my house, or to carry me with them to Jackson's house; because the Governor, with his authority, could not respect me in any other light than as a private individual.

The officers went away to carry my answer, which was given then in the presence of all at Brooke's house; and I, feeling now a recurrence of my pain, requested them to permit me to go home, whither several of those persons accompanied me. As soon as I arrived, I caused my secretary to extend in my office all that I had said to the persons sent, and with him I sent Lieutenant Colonel De Villiers, accompanied by another officer, to the Governor, thinking that thus my answer might be more correctly understood by him; but, when it was presented he would not receive it, and they brought it back to me unopen.

After these officers returned to me, now at my own house, the same three persons came with a determined and brief message that I must not make any pretensions to official situation or other considerations—"the papers, or go with them." I was surrounded by my officers, and other persons of character, whose countenances I saw filled with pain and surprise to see me in the sad state of suffering, and unable to remain tranquil. Till then I knew not of what papers they spoke, as I had not entered upon an inquiry, nor had they given me an opportunity of doing so; and I answered

DEPARTMENT OF WAR, March 1, 1892.

SIR: Pursuant to a resolution of the House of Representatives of the 7th ultimo, I have now the honor of submitting "a comparative view of the expenses

them that I was unable to go out of my house. I entreated that they would, at least, give me an abstract of what papers and of what class those were which they demanded, and I would inform Don Andrew Jackson that I was sick.

Without giving me any answer, they went away, and I laid myself on the bed. An hour afterwards, one of the three presented himself in my house, and gave me an abstract, written on a half sheet of paper, in the English language, and signed "Alcalde Brackenridge." I took it; I told him that I should have it translated, and should reply to it. He went away. I gave it to the interpreter at that hour, which was nine at night, and sought repose on the bed; but, a while after, and without further preliminaries, a party of troops, with the commissioners, assaulted the house, breaking the fence, notwithstanding the door was open; and the commissioners entered my apartment; they surrounded my bed with soldiers with drawn bayonets in their hands; they removed the mosquito net; they made me sit up; and demanded "the papers, or they would use the arms against my person."

In fine, in a short while after, one of the three went out, and returned accompanied with an officer, who, placing himself before me, told me I was a prisoner, and ordered me to dress myself. I answered that I was so, but that he would have the goodness to observe that I was so sick as that I ought not to be taken out of my house at that hour. He made no answer to the interpreter, and remained silent; but one of three deliberately ordered me to dress. I dressed in my uniform, was going to put on my sword, but, upon reflection, thought it better to deliver it to the officer. I did so, and one of the three took it from his hand and threw it upon the chimney, and in this manner I was conducted through the streets among the troops.

They took me to a private house, in which they presented me to Don Andrew Jackson, who, with two other persons, was seated near a table; the house was filled with people of all ages and classes, and there he made me a sign to sit down, which I did. By the only interpreter who had hitherto delivered and carried back the verbal messages I have already mentioned, he put one question to me, according to my recollection, confined solely to whether certain papers had been carried to my house by Don Domingo Sousa, and delivered to my steward.

I requested him to permit me to answer in writing, and to do so with my own hand. He granted it readily. I set myself to write a regular protest, that I might go on to answer afterwards; but I had hardly begun when Don Andrew Jackson took the paper from before me, and, with much violence and furious gestures, spoke for some time, looking at the bystanders; and when he had concluded, the interpreter told me that he had ordered me to give no other answer to all that he had asked me but yes or no.

Don Andrew Jackson proceeded to speak for a considerable time, looking at the people, but speaking furiously; and in the countenances of the bystanders I perceived fear or surprise, caused by what he said. He concluded, and the interpreter told me that the Governor would not treat with me in any other way than as a private individual; this idea (which I knew not how to account for) made me catch at the word, and demand some explanations. Don Andrew Jackson did not permit me to speak. I insisted that the interpreter should translate what I said; he was sometimes about to do this, and he interrupted him at the very beginning; so that of all that he said in two hours, (and Don Andrew Jackson directed himself to me,) only the aforesaid intimation was translated to me, that I had not a word to answer but yes, or no, to what I should be asked, and that the Governor would not treat me in any other way than as a private individual.

I remained silent; they called my steward; they asked him if certain papers had been delivered to him by Sousa at my house? He answered, yes.

Don Andrew Jackson drew from among other papers one which was already written; he read it to me, and it contained the order for committing me and my steward to prison.

I got upon my feet; I begged the interpreter to ask him if he did not shudder, and was not struck with horror at insulting me; and I pronounced a solemn protest against his proceedings. The interpreter informed him, and he replied, that for what he had done he had no account to give but to his Government, and he told me that I might protest before God himself.

I was carried off to prison at twelve at night, and my steward also. I left my house open, with three or four sol-

MARCH, 1822.]

Army Expenditures.

[H. OF R.]

of the Army proper, and Military Academy, for the years 1818, 1819, 1820, 1821, and estimates for 1822, arranged under the various heads of expenditures according to the present and former organization of the Department of War." The military disbursements for the years 1816 and 1817, as explained by the letter from the Second Auditor, accompanying this report, are so blended with the arrearages of prior years, pay and subsistence of the militia, and claims of certain States and individuals, arising out of the

late war, as to preclude the possibility of ascertaining the expenses of the army for those years, and so as to put it out of my power to embrace them in the comparative view called for; though it is believed, if it could be embraced in the comparison, the result would not vary materially from that founded on the expenditure of the year 1818, in which year a separation was made, for the first time, between the current expenses of the army, and the arrearages growing out of the expenditures of the late war.

of the United States troops in it. I left all my private papers, all the official correspondence of my Government, and what was under my charge officially, without any account, at the discretion of Don Andrew Jackson. The keys of my trunks and money chests were not removed. I left in my house no person to represent me, and who was in my confidence; and, lastly, by a respectable citizen of the United States, and my officers, at two in the morning, a coach was spread for me and my other assistants to throw ourselves down upon; (for, by Don Andrew Jackson, I was permitted to throw myself, sick as I was, upon the bricks of the prison;) when, afterwards, I was informed by various persons who understood the Spanish and English languages, that the matters above related, which had been conceived against me, and were not translated by the interpreter, consisted in having endeavored to persuade the people that the papers were taken from the office of the alcalde, and that I was an accomplice in that criminal action.

At eleven in the morning of the following day, (the 23d,) Judge Eligius Fromentin issued a writ of habeas corpus for the release of my person; and Don Andrew Jackson answered that it was not proper to carry it into execution; but, on the same day, at one in the afternoon, he gave order that an officer should inform me that I was released from prison, and might be accompanied by him to my house to examine if the boxes were sealed.

I replied to the person who communicated this to me that I could not enter it unless accompanied by a judge, who might be present, and certify to the situation in which all things in it were found, since I had been dragged from it, leaving every thing to their discretion.

The officer accompanied me into the presence of Judge Fromentin, whom we found sick. I related to him what had happened, and entreated him to afford the protection of the law to my prerogative, person, and house. He informed me that he could not assist me, because his situation rendered it impossible; but he would cause witnesses to accompany me, who should make the examination, and sign it.

I went thither with the officer and many other persons: it was found open, with three or four soldiers within; the papers of official correspondence scattered upon the table, and the covers open; one box, which was left shut, and sealed with the seal of my Government, had been burst open, the seals broken, and again shut, with different seals; and nothing was found wrong in the contents of the money chest. I had not time to examine the papers, nor could I do it, because I was too much indisposed.

On the 26th day of the same month, about half past three in the afternoon, the secretary of the Government of Don Andrew Jackson delivered to mine the testimony which I had asked on the night of the 23d; and early in the morning of the following day, (the 27th,) sick as I was, I set out with my secretary for Washington, to give an account to the Minister Plenipotentiary of His Catholic Majesty near the Government of the United States, leaving without my power and authority in Pensacola what was under my charge belonging to the nation of which I am a dependent, because in me all confidence and every law of nations had been violated by the authority now existing there.

THE CASE OF VIDAL'S HEIRS.

There were several cases, all judicial and affecting the rights of persons, in which the ex-Governor retained the papers to carry away; but the one which was the immediate existing cause of the strong proceedings against Callava, his secretary, Sousa, his *major domo*, Fullarat, and Judge Fromentin, was that of the heirs of Vidal. The case was this: Don Nicholas Maria Vidal had been an officer of the Spanish Government, an auditor of war; and died at Pensacola in 1807, leaving considerable property, and four children, minors, and all girls—the offspring of a connection with a quadroon woman—of course illegitimate. The

property he gave by will to these children, and during fourteen years that had elapsed since his death, they had not been able to obtain possession of any part of it. Claims were set up against the estate, and suits instituted, and sales made, and the proceeds went into the hands of the strong house of Forbes and Company, and John Innerarity, as depositaries; and who proved, in one respect, to be very safe depositaries, as the heirs could get nothing from them. Great illegalities and frauds had been committed in the proceedings against the estate—so flagrant in one instance that the sale of 16,000 acres of land, twice made, had been twice set aside for fraud; and once by Callava himself acting as judge. Property sold in New Orleans, and other places, brought nothing to the children: the proceeds went into the hands of the depositaries, and although decrees were repeatedly made, ordering them to account with the heirs, yet every decree remained without execution. This was the state of the case when the Floridas changed hands, and the Americans arrived to supersede the Spanish authorities. The Vidal estate, so far as the heirs and the depositaries were concerned, remained as it had done for fourteen years—the depositaries, and some claimants, the whole beneficiaries of the estate; the heirs, aliens to their father's property. And now, a new feature of oppression developed itself. The records of the case were to be carried off by Callava! By the treaty all the archives of the province, and all evidences of titles and judicial proceedings, were to be delivered up to the American authorities; and the greater part were so delivered. But the papers in this case of Vidal, and some others, formed an exception; and were retained by the Governor to be carried to the Havannah. If this was done, there was an end of justice to the children of Vidal. They heard what was to be done: they applied to American lawyers: and they brought the case before General Jackson, as the supreme judicial authority of Florida. He took cognizance of it—found all the statements made to him to be true; and immediately instituted those proceedings for the recovery of the papers which led to the arrest of Domingo Sousa, Fullarat, Callava, Fromentin, and others. The design of all these arrests was to coerce the delivery of the papers, which being accomplished, the arrested and imprisoned persons were set at liberty, and the cause regularly proceeded with before Governor Jackson in his supreme judicial capacity, and justice done to the heirs of Vidal. In the United States, where people are accustomed to the regular administration of justice, the summary and energetic proceedings of General Jackson appeared to be harsh, and even lawless; but they were all justified by the Administration, and sanctioned by the negative action of Congress; and in Florida, where they took place, and where it was seen that no wealth or power could screen the oppressor; and that governors, judges, and rich merchants were laid by the heels, like common offenders; and the protecting shield of law and justice thrown over the most humble and helpless: in this province, so long a prey to oppression and corruption, the conduct of General Jackson appeared like an emanation of divine justice, greatly exalting the American character.

Table A, accompanying this report, is the statement of the Second Auditor, and exhibits a view of the expenditures of the Army proper, including the Military Academy, from the year 1818 to 1821, inclusive; from which it appears that the expenditures, after deducting for the increased expense, on account of the Seminole War, in 1818, were, respectively, for those years, \$3,702,495 04, \$3,874,781 95, \$316,414 11, and \$2,180,093 53; adding to the expenditure of the last year the arrearages of the Quartermaster's department, and subtracting the expenditure incident to the reducing the Military Establishment in June last, the estimate for the expenditure of the year 1822, including the balances of such of the appropriations of the last year as are required for the service of this, amount to \$1,800,424 85.

Table B, is an abstract of the general returns of the Army, for the years 1818, 1819, 1820, and 1821, showing the number of officers and enlisted men, as reported by the last returns received at the Adjutant General's office, together with the academic staff and military school at West Point, to which is added the number of the Military Establishment, by the present organization, for the year 1822. From the exhibit in the table, it appears that the average strength of the Army, including officers and cadets, for the year 1818, was 8,199; for 1819, 8,428; for 1820, 9,693; for 1821, 8,109; and that, from the organization of the present Military Establishment, if the rank and file are kept full, the strength, for 1822, will amount to 6,442.

It also appears, from the same table, that the commissioned officers were, in proportion to the cadets and rank and file of the army, in service, for those years, thus:

In 1818, as	-	-	-	1 to 11.75.
In 1819, as	-	-	-	1 to 12.11.
In 1820, as	-	-	-	1 to 13.57.
In 1821, as	-	-	-	1 to 12.18.
In 1822, as	-	-	-	1 to 10.25.

Table C, exhibits the result of the comparative view of the expenditures of the army for the years 1818, 1819, 1820, and 1821, and estimates of expenditures for 1822. To illustrate distinctly the operations of the present system, in controlling the disbursements of the army, through the instrumentality of a proper organized staff, the items composing the expenditures of the army have been classed under two divisions, viz:

First. Those which are fixed by law, and which cannot be materially affected by administration; such as, pay to the officers and men, subsistence to the former, and the allowance to them for servants, forage, transportation for baggage, &c.

Secondly. Those items which are embraced under the general character of supplies for the army, and which may be reduced by correct administration; such as, subsistence to soldiers, clothing, Quartermaster's and medical stores. As most of the articles embraced under the above denomination, are exposed to fluctuate in price, and a considerable reduction took place in the medical, subsistence, and clothing supplies, within the periods compared, proper allowances have been made on that account, amounting, in the price of provisions, from forty to thirty-nine and a half per centum, and, in that of clothing and medical stores, from seven to eight and a half per centum. The contracts made by the different departments, and the price currents for those years, in

the principal cities, have been the guides in fixing on those allowances. To the Quartermaster's disbursements no additions have been made, as any reduction which may have taken place in the price of supplies furnished by that department, has been more than balanced by the increased expenditures to which it has been subject from the extension and multiplication of the frontier posts.

From table C, it appears that the expenditures of the army, (additions being made as above stated, for the reduction in prices of stores and supplies in the years subsequent to 1818, so as to raise the prices of those years to the standard of those of that year,) would amount to—

In 1818	-	-	-	\$3,702,495 04
In 1819	-	-	-	3,663,785 16
In 1820	-	-	-	3,061,884 00
In 1821	-	-	-	2,327,552 13
And by estimates for 1822	-	-	-	1,929,179 91

From the above data and average strength of each year, conformably to an abstract of the general returns of the army, it results that the average cost of the army, for each individual, taking the aggregate of the officers, professors of the Military Academy, cadets, and enlisted men, in the service of the United States was—

For the year 1818:

In expenditures, not materially affected by administration, on an average, each	-	\$151 98
Its expenditures which may be affected by administration, on an average, each	-	299 64
Total average cost for officers and enlisted men, &c., each	-	<u>\$451 57</u>

For the year 1819.

In expenditures of the first class, each	-	\$158 72
In expenditures of the second class, each	-	275 98
Total average cost, each	-	<u>\$434 70</u>

For the year 1820.

In expenditures of the first class, each	-	\$140 45
In expenditures of the second class, each	-	178 43
Total average cost, each	-	<u>\$315 88</u>

For the year 1821.

In expenditures of the first class, each	-	\$136 63
In expenditures of the second class, each	-	150 40
Total average cost	-	<u>\$287 02</u>

For the year 1822.

Conformably to estimates, of the first class, each	-	\$155 30
Conformably to estimates, of the second class, each	-	144 16
Total average cost, each	-	<u>\$299 46</u>

From the above, it appears that there has been an actual annual reduction in the average expense of each officer and soldier in the service—

In the year 1819, of	-	\$16 87 each.
In the year 1820, of	-	135 69 each.

MARCH, 1822.]

Spanish American Provinces.

[H. OF R.]

In the year 1821, of - - - 164 55 each.
And by estimates for 1822, of - 158 11 each.

The act of Congress for organizing the general staff, agreeably to its present formation, was not approved until the 14th of April, 1818; and the change in the system for controlling the disbursements of the army, under the superintendence of the chiefs of each department located at Washington, could not be sufficiently matured before the close of the year 1819; which, with the additional expense to which the Quartermaster's department was unavoidably subjected in the year 1819, from occupying advanced military posts on the Missouri and Mississippi Rivers, will account for the comparatively little reduction in the expenditure in that year.

The expenditure for the year 1822, compared with the aggregate of individuals composing the Military Establishment, though favorable as contrasted with the expenses of 1818, 1819, and 1820, is not so with 1821. This difference is accounted for from the present organization of the Military Establishment, the officers being in larger proportion to the rank and file than under the former organization. But, if we should suppose the proportion to be the same, the comparison, founded on the estimates for 1822, would be more favorable in its results than in the expenditures of the preceding year. From table C, it further appears that the army for the year 1818, being 8,199 strong, including general staff, professors of the Military Academy, cadets, and enlisted men, cost for that year \$3,702,495 04; and that for the same numerical force, at the rate of expenditures in 1818, would have cost—

For the year 1819	-	-	\$3,564,105	80
For the year 1820	-	-	2,589,900	12
For the year 1821	-	-	2,853,276	98
And on the estimates for 1822	-	-	2,465,272	51

After making an allowance for the difference in prices of articles of supplies, as above stated, the results in favor of the latter years are, respectively, \$183,389 74, \$1,112,594 92, \$1,349,218, and \$1,247,222 50.

I have the honor to be, &c.,

J. C. CALHOUN.

HON. PHILIP P. BARBOUR,

Speaker House of Representatives U. S.

WEDNESDAY, March 6.

Case of Judge Tait.

The SPEAKER laid before the House a letter addressed to him, by Edwin Lewis, of Alabama, complaining of alleged official misconduct on the part of Charles Tait, district judge of the United States for the district of Alabama.

The letter was read.

Mr. TAYLOR moved to refer the letter, with the documents enclosed in it, to the Judiciary Committee.

Mr. WILLIAMS, of North Carolina, objected to the reference, as giving too much importance to the complaints of a person, who had heretofore laid before the House charges against Judge Toulmin, and failed to substantiate them. He subsequently withdrew his opposition, and acceded to the reference.

Mr. MOORE, of Alabama, said he had prepared

a resolve on the subject, which he supposed would meet the views of the gentleman from North Carolina, viz: That the Committee on the Judiciary be instructed to inquire into the official conduct of Judge Tait, &c.

Mr. WILLIAMS said that such a resolution would give a very different aspect from that of a mere reference of the papers to the Judiciary Committee, and he was, therefore, opposed to it. Let the papers be sent, as now moved, said Mr. W., to the Judiciary Committee, and they will come, I have no doubt, to a very correct conclusion on the subject.

Mr. TRIMBLE suggested that it would not look well to be more anxious to inquire into cases of controversy between citizens and judges than between generals and judges: and thought General Jackson's case had better be referred along with Mr. Lewis's to the same committee.

The question of a reference to the Judiciary Committee, of the papers presented by the Speaker, was then agreed to without opposition.

FRIDAY, March 8.

Spanish American Provinces.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

In transmitting to the House of Representatives the documents called for by the resolution of that House, of the 30th January, I consider it my duty to invite the attention of Congress to a very important subject, and to communicate the sentiments of the Executive on it, that, should Congress entertain similar sentiments, there may be such co-operation between the two departments of the government, as their respective rights and duties may require.

The revolutionary movement in the Spanish provinces in this hemisphere, attracted the attention and excited the sympathy of our fellow-citizens from its commencement. This feeling was natural and honorable to them, from causes which need not be communicated to you. It has been gratifying to all to see the general acquiescence which has been manifested in the policy which the constituted authorities have deemed it proper to pursue in regard to this contest. As soon as the movement assumed such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled by the law of nations, as equal parties to a civil war, were extended to them. Each party was permitted to enter our ports with its public and private ships, and to take from them every article which was the subject of commerce with other nations. Our citizens, also, have carried on commerce with both parties, and the Government has protected it, with each, in articles not contraband of war. Through the whole of this contest the United States have remained neutral, and have fulfilled with the utmost impartiality, all the obligations incident to that character.

This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration, whether their right to the rank of inde-

pendent nations, with all the advantages incident to it, in their intercourse with the United States, is not complete. Buenos Ayres assumed that rank by a formal declaration in 1816, and has enjoyed it since 1810 free from invasion by the parent country. The provinces composing the Republic of Colombia, after having separately declared their independence, were united by a fundamental law of the 17th of December, 1819. A strong Spanish force occupied, at that time, certain parts of the territory within their limits, and waged a destructive war. That force has since been repeatedly defeated, and the whole of it either made prisoners or destroyed, or expelled from the country, with the exception of an inconsiderable portion only, which is blockaded in two fortresses. The provinces on the Pacific have likewise been very successful. Chili declared independence in 1818, and has since enjoyed it undisturbed; and of late, by the assistance of Chili and Buenos Ayres, the revolution has extended to Peru. Of the movement in Mexico our information is less authentic, but it is, nevertheless, distinctly understood, that the new Government has declared its independence, and that there is now no opposition to it there, or force to make any. For the last three years the Government of Spain has not sent a single corps of troops to any part of that country; nor is there any reason to believe it will send any in future. Thus, it is manifest, that all those provinces are not only in the full enjoyment of their independence, but, considering the state of the war and other circumstances, that there is not the most remote prospect of their being deprived of it.

When the result of such a contest is manifestly settled, the new Governments have a claim to recognition by other powers, which ought not to be resisted. Civil wars too often excite feelings which the parties cannot control. The opinion entertained by other powers as to the result, may assuage those feelings and promote an accommodation between them useful and honorable to both. The delay which has been observed in making a decision on this important subject, will, it is presumed, have afforded an unequivocal proof to Spain, as it must have done to other powers, of the high respect entertained by the United States for her rights, and of their determination not to interfere with them. The provinces belonging to this hemisphere are our neighbors, and have, successively, as each portion of the country acquired its independence, pressed their recognition by an appeal to facts not to be contested, and which they thought gave them a just title to it. To motives of interest this Government has invariably disclaimed all pretension, being resolved to take no part in the controversy, or other measure in regard to it, which should not merit the sanction of the civilized world. To other claims a just sensibility has been always felt, and frankly acknowledged, but they, in themselves, could never become an adequate cause of action. It was incumbent on this Government to look to every important fact and circumstance on which a sound opinion could be formed, which has been done. When we regard, then, the great length of time which this war has been prosecuted, the complete success which has attended it in favor of the provinces, the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the provinces which have declared their independence, and are in the enjoyment of it, ought to be recognized.

Of the views of the Spanish Government on this subject, no particular information has been recently received. It may be presumed that the successful progress of the revolution, through such a long series of years, gaining strength, and extending annually in every direction, and embracing, by the late important events, with little exception, all the dominions of Spain south of the United States, on this continent, placing thereby the complete sovereignty over the whole in the hands of the people, will reconcile the parent country to an accommodation with them, on the basis of their unqualified independence. Nor has any authentic information been recently received of the disposition of other powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition, of which several were some time past duly apprised, but it was understood that they were not prepared for it. The immense space between those powers, even those which border on the Atlantic, and these provinces, makes the movement an affair of less interest and excitement to them than to us. It is probable, therefore, that they have been less attentive to its progress than we have been. It may be presumed, however, that the late events will dispel all doubt of the result.

In proposing this measure, it is not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties, but to observe, in all respects, as heretofore, should the war be continued, the most perfect neutrality between them. Of this friendly disposition, an assurance will be given to the Government of Spain, to whom it is presumed it will be, as it ought to be, satisfactory. The measure is proposed, under a thorough conviction that it is in strict accord with the law of nations; that it is just and right as to the parties; and that the United States owe it to their station and character in the world, as well as to their essential interests to adopt it. Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

JAMES MONROE

WASHINGTON, March 8, 1822.

[Accompanying the Message of the President of the United States was the following report:]

DEPARTMENT OF STATE,
WASHINGTON, March 7, 1822.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 20th of January last, requesting the President of the United States to lay before that House such communications as might be in the possession of the Executive from the agent of the United States, with the Governments south of the United States which have declared their independence; and the communications from the agents of such Governments in the United States, with the Secretary of State, as tend to show the political condition of their Governments, and the state of war between them and Spain, as it might be consistent with the public interest to communicate, has the honor of submitting to the President the papers required by that resolution.

The communications from the agents of the United States are only those most recently received, and exhibiting their views of the actual condition of the several South American revolutionary Governments.

MARCH, 1832.]

Report on Weights and Measures.

[H. OF R.]

No communication has yet been received from Mr. Prevost since his arrival at Lima.

There has been hitherto no agent of the United States in Mexico; but among the papers herewith submitted is a letter recently received from a citizen of the United States, who has been some years residing there, containing the best information in possession of the Government, concerning the late revolution in that country, and specially of the character embraced by the resolution of the House.

JOHN QUINCY ADAMS.

To the PRESIDENT of the United States.

Mr. CONDIT moved to refer the Message, and documents accompanying it, to the Committee on Foreign Relations.

Mr. RHEA preferred that they should be referred to the Committee of the Whole on the state of the Union.

Mr. F. JONES, and Mr. LOWNDES, preferred that the reference should be made to the Committee on Foreign Relations, as the course most conformable to custom, and in itself the most proper. The first named of these gentlemen expressed his great satisfaction in having received such a Message, and his regret that it had not been sent earlier.

The question to refer the papers to a Committee of the Whole was negatived; and they were referred to the Committee on Foreign Relations.

On the question to print the documents, Mr. COOK supported that motion. The papers, he said, had a close bearing on the subject, and were from official sources. Not having himself that intuitive knowledge of the subject which some gentlemen seemed to possess, he wished these documents to be printed, that he might have an opportunity of examining them.

The Message and documents were both ordered to be printed. The question was stated on printing five thousand copies of the Message—when, on motion of Mr. TAYLOR, (at six o'clock nearly,) the House adjourned.

SATURDAY, March 9.

National Medals.

Mr. POINSETT, from the Joint Library Committee, made the following report:

"The Committee on the Library of Congress, to which was referred a letter from Mr. George W. Erving, announcing that he had transmitted to the Speaker of this House a collection of medals, coined in commemoration of some of the most important military successes of France, under its republican Government, and under that of Napoleon; as well as those marking less important epochs in the history of that empire, together with the only medals coined in that country relating to the events of our Revolution, and requesting, through him, to present this collection to the Library of Congress, have agreed to report:

"That, from a letter addressed to the honorable Mr. Dickerson, of the Senate, by the collector of the port of New York, it appears that the medals were shipped at Havre, on board the brig Factor, in the

Summer of 1810, bound to New York, which vessel has not since been heard of, and is supposed to have foundered at sea.

"The loss of this very valuable collection of medals is the more to be regretted, as there is reason to believe that the dies from which they were struck have been since destroyed, and these medals are now, therefore, extremely rare and costly.

"The committee recommend that they be authorized to purchase, for the Library, the medals struck in France relating to the events of our Revolution, and which may still be bought at the Mint, in Paris.

"The practice, so general in Europe, of multiplying medals struck in commemoration of great events, and of important epochs in the annals of a nation, ought, in the opinion of the committee, to be adopted in this country. This would enable the public libraries and individuals throughout the United States to acquire all the medals which have been struck in commemoration of events of our Revolution, and of our late naval and military successes. They, therefore, recommend the adoption of the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Director of the Mint be, and he is hereby, instructed to cause a reasonable number of the medals commemorative of important events in the history of the United States to be coined, at such times as shall not interfere with the ordinary business of the Mint, and to be sold at a price adequate to defray the expenses of coining."

The report was read, and committed to a committee of the whole House on Monday next.

MONDAY, March 11.

Report on Weights and Measures.

Mr. LOWNDES, from the select committee, to whom was referred the report of the Secretary of State on weights and measures, made the following report, which was committed to a Committee of the Whole, with the resolutions:

The committee to whom has been referred "the report on weights and measures," made by the Secretary of State, on the 22d of February, 1821, report:

That so comprehensive a view has been given, in the documents referred to them, of the origin and history of the measures and weights now in use in the United States, and so full an examination of the different proposals which have been made for their improvement, that they deem it scarcely necessary to do more than to submit the resolutions which they think it expedient that Congress should pass at this time. Their object is only to "render uniform and stable the measures and weights which we at present possess."

To effect this, they propose that the President shall cause application to be made to the English Government to allow models of the yard, the Winchester bushel, wine, gallon, and pound, (avoirdupois,) to be procured from its offices. For the purpose of easy and perfect comparison, it may be as well that the yard should be traced upon the rod of platina in the possession of the Department of State, on which is traced the French metre. These models

should be made with the utmost accuracy which the art and science of England can give, and, if satisfactory to Congress, should be declared the standard yard, bushel, liquid gallon, and pound, of the United States. There is some difference of opinion as to the material of which the standards shall be formed. The committee will not detain the House by a full exposition of the reasons which led them to conclude, that, at least, the standards of length and weight should be of platina, as the material on which time is found to produce the smallest change. The Secretary of State, who adopts an opposite opinion, has said that "the very extraordinary properties of platina, its unequalled specific gravity, its infusibility, its durability, its powers of resistance against all the ordinary agents of destruction and change, give it advantages and claims to employment as a primary standard for weights and measures and coins, to which no other substance in nature has equal pretensions. Should the fortunate period arrive when the improvement in the moral and political condition of man will admit of the introduction of one universal standard for the use of all mankind, it is hoped and believed, that the platina metre will be that standard." But, if the immutability of platina recommend it so strongly as a standard for all nations and all time, it can hardly be amiss to adopt it for the interval which may elapse before the universal adoption of a national standard. This interval the Secretary and the committee may be willing to shorten, but it seems likely to last as long as diversities of laws and language among men. If the standard pound shall be of platina, it must, of course, be made equiponderant with the English pound in vacuo, and the same means must be used in making the models of weight which are intended for distribution among the States. The standards of measures of capacity must, probably, be of copper or brass, and the careful preservation of all the standards may be provided for in the law which shall establish them. The committee think it best that they should be kept in the Department of State, and used only to verify the models which may be issued under the authority of Government.

The committee believe that, by distributing accurate copies of these standards among the States, the present inequality of weights and measures will be so far removed as to leave little practical inconvenience in that regard. They propose that the President shall cause to be procured such a number of copies or models of these standards of weight and measure (with their most convenient multiples and divisions) as may be necessary to allow one model of each standard to be lodged with the clerk of each district court of the United States, and one to be given to each State and Territory, to be disposed of as its Legislature may direct. The most convenient material for those copies will probably be copper or brass, but the determination of this question may best be referred to the authority which shall procure them.

It is believed that no other obligation will be required to enforce, on the part of the officers in the service of the United States, the use of weights and measures conformed to the standards established by law, than that which a sense of duty and a dependence upon the Government for their continuance in office must produce. The committee think it best, that Congress, after providing the standards of weights and measures, and furnishing models of them

to every State, should leave it to the laws of the several States to enforce their use by persons who are not in the service of the United States. In the custom-house and land offices, the measures and weights may be provided from the same funds, and under the same authority, which have been hitherto employed. The committee suppose it necessary only to provide for such a distribution of models as may make it easy to verify the weights and measures which may be used either by public officers, or in private transactions. It was proposed by a former committee of the House of Representatives, in a report made in January, 1819, that the relations between the different standards should be accurately ascertained and declared in the law which should establish them.

It was observed, that "the determination of the proportions between lineal measures and measures of capacity, and between both these and weights, may have some effect in enabling us to detect, without too difficult a process, the defects of measures of capacity, and possibly of weights in common use. For this purpose it would perhaps be convenient to establish, not merely the cubical contents of the common measures of capacity, but to fix determinate forms for all these, and dimensions whose correctness might be ascertained by the common measures of length." But the relations between the standards cannot be ascertained with that absolute certainty which should be exacted in a law fixing permanent standards. The calculation of the dimensions of vessels of capacity is found, even by the most practical artists, to be so uncertain, that they rely entirely upon the trials by the weight of water which they contain. It is of some importance, that the forms of measures of capacity, which are used in commerce, should be left to depend upon the material, or the art which it is found most convenient in the different parts of our country to employ. And, in fine, those relations and dimensions which it is useful to know, will be ascertained by philosophical inquiry, and published in books of easy reference. Indeed, they have been so.

The committee have proposed to establish but one standard of weight. It will be necessary that accurate models of the grain and its usual multiples, should be provided to verify the weights which are used for the precious metals and for medicine. The law which shall establish the standard pound, may declare the grain to be the seven thousandth part of the pound, as frequent and careful examination has shown it to be.

The committee submit the following resolutions:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be requested (if the consent of the Government of Great Britain shall be given thereto) to cause to be traced on a rod of platina, the yard of the year 1601, which is kept in the British Exchequer; to cause to be made of platina a pound, of the weight in vacuo of the English avoirdupois pound; and that he also cause to be made, of whatsoever material he shall deem best for standards of those measures, a vessel of the same capacity as the standard Winchester bushel, and also a vessel of the same capacity as the standard wine gallon of England.

Resolved, That the President be requested to cause to be made, for distribution among the States and

MARCH, 1822.]

Hemp and Flax Machine.

[H. OF R.]

Territories, and for the purpose of verifying the weights and measures used therein, models of the yard, on which shall be traced its divisions of feet and inches; models of the bushel, half-bushel, quarter-bushel, or peck, thirty-second part of a bushel or quart; models of the wine gallon, of the wine quart and pint; models of the pound, half-pound, quarter-pound, of the sixteenth of a pound or ounce; of the seven thousandth part of a pound or grain; models of the pennyweight or twenty-four grains, of the scruple or twenty grains; and, of the apothecaries' dram or sixty grains; models of the weight of twelve and a half pounds, of twenty-five pounds, of fifty pounds, and of one hundred pounds; that these models of weight and measure be formed with the utmost practical exactness from the weight and measures procured under the authority of the foregoing resolution, and that the number to be procured of each model shall not exceed —.

TUESDAY, March 12.

A new member, to wit, from the State of New York, STEPHEN VAN RENSSELAER, elected to supply the vacancy occasioned by the resignation of Solomon Van Rensselaer, appeared, produced his credentials, was qualified, and took his seat.

The SPEAKER laid before the House a certificate of the election of STEPHEN VAN RENSSELAER, as one of the Representatives of the State of New York; which was referred to the Committee of Elections.

Hemp and Flax Machine.

Mr. BUTLER, from the Committee on Agriculture, made a report favorable to the petition of Anthony Dey and James McDonald, praying for encouragement by Congress of their invention for the breaking and dressing flax and hemp, &c., recommending a reference of the petition to the Committee on the Judiciary, with a view to an examination on the bearing of the patent laws; which was agreed to. The report is as follows:

The Committee on Agriculture, to which was referred the petition of Anthony Dey and James McDonald, report: The petition alleges, that the said McDonald, at the expense of the said Dey, has invented and constructed a new and useful machine for breaking and cleaning of hemp and flax, in an unrotted state, and that the said Dey has discovered the means by which hemp and flax, after being cleaned in an unrotted state in their machine, may be bleached by a process hitherto unknown; that they believe their method of dressing hemp and flax is of very great importance to the agricultural interest of the country, and, therefore, ask an extension of the exclusive right to make, construct, use, and vend, to others to be used, the said invention and discovery.

From the evidence adduced by the petitioners, it appears that they have invented a machine for breaking and cleaning hemp and flax, in an unrotted state, which is different in its principles and construction from any machine that ever has been used for that purpose, and that the said Dey has also discovered a process, never before used, for bleaching hemp and

flax after it has been dressed in an unrotted state. And, also, it appears by the certificates of respectable gentlemen, who have witnessed the operation of the machine, that it will, by the power of one horse, with the assistance of one man and three boys, separate the integument and wood from the fibrous part of the hemp and flax plants, and clean the same, at the rate of one pound in a fraction of time over a minute, fit for bleaching.

The petitioners further assure us, from the operation of one machine by horse power, with the attendance of one man and three boys, from 1,600 to 2,000 pounds of unrotted hemp or flax may be cleaned in a day, yielding from 400 to 500 pounds after it is bleached; and that, by the addition of another machine, which can be moved by the same horse, with the addition of one man and one boy more, from 800 to 1,000 pounds may be cleaned at an expense not exceeding five dollars. And the committee are informed by Mr. Dey that one man can bleach 850 pounds of hemp or flax, after it has been cleaned by their machine in a day, at an expense of one dollar and seventy-five cents for the article which he uses in the process.

From these calculations, it appears that any quantity of unrotted hemp or flax taken from the field, where it is raised, may be broke, cleaned, and bleached, at a rate of less than two cents per pound, delivered in a bleached state; and, allowing one cent per pound for the plant, as it comes from the field, the whole cost (except for the wear of the machines,) in growing this valuable plant, and breaking, cleaning, and bleaching it, will be less than six cents per pound. The committee are not informed what the cost of hatchelling or combing it, (which is done after it is bleached,) and preparing it for the manufacturer, would be, but presume it will not exceed two cents per pound. If the information the committee have received, and their calculations, are correct, either hemp or flax may be raised, dressed, and prepared for the best manufacture, at an expense of eight cents, and not exceeding, in any case, ten cents per pound.

By the experiments of the petitioners, and others, it is found that flax, dressed and hatchelled in the ordinary way, after it has been dew-rotted, yields nine pounds from one hundred pounds of the plant which has been rotted, being sixteen pounds less than is produced from one hundred pounds of unrotted flax, cleaned and bleached by the method which the petitioners have discovered. But no experiments have yet been made to determine the difference in the weight of the plant, before and after it is rotted; therefore, it cannot now be ascertained how much will be saved, in quantity, by this method of breaking and cleaning it before it is rotted. It cannot, however, be doubted, that the common process of rotting flax, especially by dew, destroys or injures many of its fibres, and, of course, the quality, as well as the quantity, must be, in some degree, diminished.

The committee have examined the machine, and have seen it operate, and believe it will prove one of the most important and valuable discoveries. The committee have, also, examined the hemp and flax which has been bleached in this new method and hatchelled, and find that the colored matter and harshness of the fibres are removed, and that the flax is rendered very white, and as soft and fine as silk. This method of bleaching hemp and flax, it is believed, will be of great value to the grower and manufacturer of these plants.

Considering hemp and flax among the most valuable plants which can be cultivated in this country, and believing there is an abundance of soil in every State in the Union which is well adapted to their culture and growth, the committee are highly pleased with the invention and discovery of the petitioners. If hemp and flax can be raised in this country as easily and as cheap as in any other, and these inventions should prove as valuable as the committee believe they may, the cultivation of these plants will engage the attention of a large portion of the agriculturists, and become exceedingly important to the United States. It may be seen by the statement of the Secretary of the Treasury, of the quantity and value of merchandise imported, that, during the year ending on the 30th of September, 1821, 86,192 cwt. of hemp, valued at \$510,489, (being about \$120 per ton;) hempen goods, of the value of \$226,174; duck and sheeting, of the value of \$894,276; cordage, of the value of \$107,868; and linens, bleached and unbleached, of the value of \$2,564,159, were imported into this country, amounting to \$4,802,968, and that the whole value of the exports of domestic and foreign produce of the same kind, amounted only to \$822,976, leaving the value of \$3,479,187 in the merchandise produced from the hemp and flax plants to be consumed in this country.

As the petitioners desire an extension of time, and further protection than is secured by the patent law in its present form, and as it is the peculiar province of the Committee on the Judiciary to report any revision or amendment of that law which may be deemed necessary, your committee recommend the adoption of the following resolution:

Resolved, That the Committee on Agriculture be discharged from the further consideration of the petition of Anthony Dey and James McDonald, and that it be referred to the Committee on the Judiciary.

Bankrupt Bill, amended so as to include all Persons, whether Traders, or not; and the Question being upon Ordering the Bill to be Engrossed for a Third Reading,

Mr. BUCHANAN, of Pennsylvania, addressed the Chair as follows:

Mr. Speaker: Before the amendment proposed by the gentleman from Kentucky had obtained the sanction of this House, the question whether the bill should be engrossed for a third reading, was one of very great importance. That question has, however, dwindled into insignificance, compared with the one at present under consideration. We are now called upon to decide the fate of a measure of awful importance. The most dreadful responsibility rests upon us. We are not now to determine, merely, whether a bankrupt law shall be extended to the trading classes of the community; but whether it shall embrace every citizen of this Union, and spread its demoralizing influence over the whole surface of society.

The amendment which has been adopted to-day, makes it my imperative duty, even at this protracted period of the debate, to trespass upon the patience of the House. I have the honor, in part, of representing an honest, a wealthy, and a respectable agricultural commu-

nity. I owe it to them, to my conscience, and to my God, not to suffer this bill to pass, which I conceive to be now fraught with destruction to their best interests, both moral and political, without entering my solemn protest against its provisions.

We have heard it repeated over and over again, by the friends of a bankrupt bill, that it should be confined to the mercantile classes. One of the principal arguments urged in its favor, by its eloquent supporters, was, that merchants, from the nature of their pursuits, were exposed to the vicissitudes of fortune more than other men; and that therefore their situation required a peculiar system of laws. That, in this country, their fortunes had not only been exposed to the dangers commonly incident to their profession; but, that the commercial regulations of the Government, the embargo, the non-intercourse laws, and finally the war, had brought ruin upon thousands. It was, therefore, inferred, that Congress were under a moral obligation to pass a bankrupt law for their relief.

The policy of all the modern commercial nations in the world, was presented before us for our imitation. England, France, Scotland, Ireland, Holland, and Spain, we had been told, each extended a bankrupt law to the merchant, and absolved him from the payment of his debts, upon certain conditions. Indeed, a great portion of the argument consisted in drawing a line of distinction between traders and the remaining classes of society.

Judge then, Mr. Speaker, of my astonishment, when to-day I found those very gentlemen voting in favor of introducing an amendment, extending the provisions of this bill to every individual in society, who might ask to become its object.

Will you pass a bankrupt law for the farmer? Will you teach that vast body of your best citizens to disregard the faith of contracts? Are you prepared to sanction a principle by which the whole mass of society will be in danger of being demoralized, and it will be left to an election by every man's creditors, in which a majority of two-thirds in number and value, against the consent of the remainder, shall have the power of discharging him from the obligation of all his contracts? Surely the House of Representatives are not prepared to answer these questions in the affirmative. No nation in the world, whether commercial or agricultural, whether civilized or savage, has ever for a moment entertained the idea of extending the operation of their bankrupt laws beyond the class of traders. Fortunately for our constituents, we have not the power of doing so. The constitution, correctly expounded, has proclaimed, "hitherto shalt thou go, but no farther." Nothing but a desperate effort to revive this expiring bill, could ever have induced its friends to have adopted the amendment which has just now been carried.

In the discussion of this question, I can as-

MARCH, 1822.]

The Bankrupt Bill.

[H. OF R.]

sure the House, it is not my intention to travel over the ground which has been already occupied, or to repeat the arguments which have been already urged.

The subject naturally divides itself into two questions—the one of constitutional power, the other of policy. On the first, as the bill stood before the introduction of the last amendment, I had not a single doubt. Much as I would have deprecated the passage of the then bill, I should have been infinitely more alarmed if this House had determined that the enactment of such a law transcended the constitutional power of Congress. Upon this branch of the subject, the ingenious arguments of the gentleman from Virginia had not created a doubt in my mind. Where doubts before did exist, the argument of the gentleman from South Carolina, (Mr. LOWMYER,) and of my honorable colleague, (Mr. SHELLENT,) were, in my opinion, calculated entirely to remove them, and to carry conviction to every understanding.

A new question of constitutional power has now arisen on the amendment. The constitution declares that “the Congress shall have power to establish uniform laws on the subject of bankruptcies throughout the United States.” To this provision I am willing to give a fair and a liberal construction. Congress have the power to discharge from their debts, on the terms prescribed by the bill, all persons upon whom a law emanating from this clause of the constitution, may legitimately act. But can Congress make a law extending the penalties and the privileges of a bankrupt system to every individual in society? Can they embrace in its provisions the farmer, the clergyman, the physician, or the lawyer? Such a proposition was never seriously contended for before this day.

By considering the meaning of the term *bankrupt*, we shall be able at once to solve the difficulty. In adverting to its origin, we find the literal signification of the word to be a broken counter; which, by a figure of speech, has been applied in our language to a broken merchant. In the commercial laws of all the nations of the continent of Europe, bankruptcy is confined to merchants, in the strictest sense of the word. The operation of the bankrupt laws of England has been extended, by judicial construction, somewhat further; and they now embrace within their grasp not only the merchant, properly so called, but all persons who are traders, and are concerned in buying and selling any kind of merchandise, unless they have been expressly excepted by some positive legislative provision. This exposition of the law extends not only to those who sell any commodity in the same State in which they purchased it, but also to the manufacturer and the mechanic who bestow upon it their favor and their skill, and thus render it more valuable. The bill, as it formerly stood, confined itself strictly within this range. Indeed, it was more circumscribed as to the persons on whom it would have operated than the bankrupt laws of England.

I am willing then to expound the power of Congress upon the subject literally. In construing the constitution, Congress ought not to be fettered by nice technical rules. I admit that they have the power, whenever they think proper to call it into exercise, of establishing a system of bankruptcy which shall embrace all persons who have ever been embraced, even by the bankrupt laws of England. Further than this they cannot proceed, without extending the plain meaning of the word *bankruptcy* as it has been received by every commercial nation of Europe, and violating both the letter and the spirit of the constitution.

In making this admission, I am sensible that many may suppose I am giving a latitude of construction to the instrument which is not warranted by its spirit. The authority “to establish uniform laws on the subject of bankruptcies throughout the United States,” is contained in a clause of the constitution which immediately follows that “to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.” The power over bankruptcy evidently originated from, and is closely connected with, that over commerce. This commerce, which Congress has the power of regulating, is chiefly, if not exclusively, conducted by merchants in the strictest sense of the term, and principally by that class of them denominated importers. They are the men most exposed to the vicissitude of trade, and on that account are more properly the objects of such a law than people of any other description. It might, therefore, with much plausibility be contended that the power of Congress over bankruptcy is confined to that description of merchants.

Another argument, which would give additional strength to this construction, arises from the general spirit of the federal institutions. They do not propose to embrace the internal policy of the States. The jurisdiction of the federal courts is confined by the constitution to controversies between citizens of different States, and between foreigners and citizens of the United States. To such suits the merchants who carry on the intercourse with foreign nations, and between the different States, are most generally parties.

The object which I have in view in using these arguments, is not to prove that the constitutional power of Congress is confined to such merchants; but to show that it is contrary to the nature and the spirit of our Government to extend it to all classes of people in the community. The bill as it stood before the amendment, went quite far enough. It would even then have brought the operation of the law and the jurisdiction of the federal courts into the bosom of every community. The bill, however, as it now stands, if it should pass, will entirely destroy the symmetry of our system, and make those courts the arbiters in almost every case of contract to which any member of society, who thinks proper to become a bankrupt, may be a party.

It will at once be, in a great degree, a judicial consolidation of the Union. This was never intended by the framers of the constitution. Some of the terrible evils which would flow from such a system, I shall have occasion to delineate, when I come to speak of the policy of its adoption.

I shall now proceed to lay before the House my objections to the passage of this bill. As it now stands, certain classes of society are exposed to its adverse operation upon the commission of any of the acts of bankruptcy, described in its first section. Every individual in the community, including those embraced by the bill previous to the late amendment, may become voluntary bankrupts.

It will be necessary, here, briefly to inquire who may be declared bankrupts against their will. The adverse operation of the law will not be confined to wholesale and retail merchants, strictly speaking, and to dealers in exchange, bankers, brokers, factors, underwriters, and marine insurers. By the construction which has been placed upon the words "other person, actually using the trade of merchandise, by buying and selling, in gross or by retail," not only every dealer in any article, but every manufacturer or mechanic who purchases any material, bestows his skill and labor upon it, and sells it in its improved state, falls within the compulsory branch of this bill, unless expressly excepted by the proviso in its first section. Thus the distiller who purchases grain, converts it into whiskey, and sells the whiskey, would clearly be within its operation. The miller, also, who buys wheat, and sells it converted into flour, may be declared a bankrupt against his will. These cases are cited only as examples to illustrate the general rule. Each individual member can imagine many others.

I will now proceed to that which strikes my mind as a radical objection to the existence of this or any other adversary bankrupt bill in the United States. It arises from the nature of our free institutions, and is one that exists in no other country on the globe. It springs out of the best principles of the Federal Constitution, and it cannot be removed without expunging them from the instrument.

In what manner is a person to be declared a bankrupt by the bill now before the House? On the petition of any creditor accompanied by an affidavit of the truth of his debt, the circuit or district judge of the United States is authorized to issue a commission of bankruptcy. The alleged bankrupt may, however, appear before the commissioners, deny that he has committed any act of bankruptcy, and demand a trial by a jury of his country, before the judge who issued the commission. This is a right of which he cannot be deprived by the power of Congress. In the emphatic language of the constitution, "he shall not be deprived of his life, his liberty, or his property, without due process of law."

This trial before the circuit or district judge may, and probably will, in a majority of cases, be delayed for years, before its final termina-

tion. In free governments we cannot move with the celerity of despotism. During its pendency, what becomes of the property of the alleged bankrupt? He cannot be dispossessed of it under the constitution of the country, or by the provisions of this bill, until the jury shall have convicted him of some one of the acts of bankruptcy described in its first section. But although it cannot be wrested from him until after the event, yet the moment the commission issues, he, in effect, loses all control over his estate. The reason of this is, that by the provisions of the bill, all intermediate dispositions made by the debtor of his property are absolutely void, should he finally be declared a bankrupt. No person, therefore, could, with safety, in the mean time enter into any contract with him, or purchase any part of his estate. From the very nature of an adverse bankrupt system, this must necessarily be the case. If it were not, every man charged with having committed an act of bankruptcy, would demand a trial by jury before the district or circuit judge of the United States; so that during its pendency he might have an opportunity to dispose of his property as he thought proper. This would be giving a legal sanction to the very evil which the friends of the bill say it is chiefly intended to remedy.

What, then, is the situation which the bill places every man within its adverse provisions? Any of his creditors, or pretended creditors, by making an *ex parte* affidavit of the truth of his debt, without even proving by his own oath, or otherwise, any act of bankruptcy against him, may bring upon him inevitable and overwhelming destruction. If envy or malice against him rankles in the soul of any enemy who either is his creditor, or who will swear that he is, that enemy may wreak his vengeance to the full extent of his wishes, by having a commission of bankruptcy issued against him. The commission itself would be the death warrant of his property, notwithstanding his property may have been sufficient to discharge his debts, and he may have been guilty of no act of bankruptcy. If he submits to the commission, his credit is gone, and his power of exertion is at an end until he shall have obtained his final discharge. If he does not, and demands a trial, he is, during its pendency, in the situation of Tantalus in the infernal regions. Although he may be surrounded by all the comforts of life, and the means of extricating himself from his difficulties, he has not the power of using them. If he should be a merchant, his counting house must be closed, and his capital remain idle awaiting the result of a tedious lawsuit. If he be a farmer who has carried on a distillery, or who has been a miller or retail merchant, he cannot dispose of an acre of his land or any of his personal property until the controversy is determined. Whether therefore he submits to the commission, or does not, if he be an honest man he is exposed to inevitable ruin. If he be a fraudulent debtor, the delay of the trial will afford him ample time and opportunity to secrete his property, and place it be-

MARCH, 1832.]

The Bankrupt Bill.

[H. OF R.]

yond the reach of his creditors; and in this situation he will have the strongest temptation to be guilty of fraud.

The bankrupt law of England, the model from which the present bill has been drawn, provides an effectual remedy for this evil. It is one, however, which we have no constitutional power to adopt, and, if we had, it would be repugnant to every feeling of the hearts of freemen. In that country the bare issuing of the commission is itself equivalent to an execution. The debtor is at once deprived of the possession of all his property, and it is vested in the commissioners. Although he may declare that he has never been guilty of an act of bankruptcy, and petition for a trial, he petitions in vain. The iron hand of the law is upon him, and no innocence can elude its grasp. In that country the law declares that "caveats against commissions are not allowed, for they give too much time for a fraudulent debtor." The proceedings under it resemble those of the judges in the infernal regions, who first condemn and afterwards hear. They first deprive a man of all his property by virtue of the commission, and after the evil has been done, allow him to apply to the Chancellor to have it superseded.

From the nature of those Governments on the continent of Europe, under whose dominion bankrupt laws prevail, and from the peculiar character of those laws and of the commercial tribunals by whom they are administered, the same evils do not exist. I will not exhaust the patience of the House by detailing their different provisions.

It may be said, that as the bill provides that the petitioning creditor, before the commission can issue, shall give bond, to be taken by the circuit or district judge, in such penalty and with such surety as he may direct, conditioned that the obligor shall prove the debtor to be a bankrupt, he will be enabled to recover damages to the extent of any injury which he may sustain in case the condition of the bond should be violated.

This remedy, from its nature, could be no compensation for the injury sustained. To inform a man, after he had been arrested in the pursuit of his business by a commission of bankruptcy; after his prospects in life had been blasted; after his credit had been destroyed; and after he had been pursued for years in a course of litigation, which had terminated in his favor, that he might then enter upon another lawsuit, and bring his action upon the bond, would be laughing at his calamity. This would present no prospect of indemnity, even if the obligors should be solvent; but from the ignorance of the judges, so far removed from the people as those of the United States necessarily are, respecting the solvency of the sureties, and from the lapse of time which must transpire before any suit could be sustained upon the bond, it would, in most instances, be of little or no value.

These, then, would be the effects of the bill on the persons within its adverse operation.

Let us next inquire what would be the moral and practical effects of this bill, with the amendment just adopted, of the gentleman from Kentucky. Should it pass in its present shape, I shudder at the consequences. How will it affect the great agricultural interest of the country? I have the honor, in part, to represent a district chiefly composed of farmers. They are honest, they are industrious, and they esteem their contracts to be sacred and inviolable. The word of most of them, could their existence be perpetuated, binds them as forcibly as their bond. Have they, or have any other agriculturists, over the whole range of this extensive Union, asked you to pass a bankrupt law in their favor? Have they ever petitioned you to discharge them from the obligation of their contracts, which they feel themselves as much bound in conscience as in law to perform? It is certain that many honest and respectable men of that valuable class of society have been unfortunate, and I pity them from my inmost soul; but I beseech you, spare them from a law for which they have never asked, and which would tempt them to add guilt to misfortune.

What would be the necessary operation of such a law, when brought home to them, and to every other member of society? Once declare that contracts shall be no longer sacred; that any debtor, whether he has been a trader or not, by complying with the provisions of the law may have an election held by his creditors, and if two-thirds of them in number or value consent, may be relieved from all his debts against the will of the remainder; and you make a direct attack on the first principles of moral honesty by which the great mass of the people have been hitherto directed. Let a bankrupt be presented to the view of society, who has become wealthy since his discharge, and who, after having ruined a number of his creditors, shields himself from the payment of his honest debts by his certificate, and what effects would such a spectacle be calculated to produce? Examples of this nature must at length demoralize any people. The contagion introduced by the laws of the country, would, for that very reason, spread like a pestilence, until honesty, honor, and faith, will at length be swept from the intercourse of society. Leave the agricultural interest pure and uncorrupted, and they will forever form the basis on which the constitution and liberties of your country may safely repose. Do not, I beseech you, teach them to think lightly of the solemn obligation of contracts. No Government on earth, however corrupt, has ever enacted a bankrupt law for farmers; it would be a perfect monster in this country, where our institutions depend altogether upon the virtue of the people. We have no constitutional power to pass the amendment proposed by the gentleman from Kentucky; and, if we had, we never should do so, because such a provision would spread a moral taint through society which would corrupt it to its very core.

There is another point of view in which this

bill, in its practical effects, would be intolerable. The jurisdiction of federal courts over citizens of the United States, is now chiefly confined to controversies existing between the citizens of different States. This bill, if it should become a law, will amount to almost a judicial consolidation of the Union. The litigation which will arise out of it, and which, by its provisions, must be exclusively determined by the federal courts, will embrace a large portion of the citizens of every State, either as parties or witnesses.

The numerous acts of bankruptcy described in the bill, many of which depend altogether upon the intention of the party charged with having committed them, would form the first ample source of exclusive federal jurisdiction.

By the fifty-sixth section it is provided that any creditor of a bankrupt, appearing before the Commissioners, may, at his election, have the validity of his claim determined in the circuit court of the district in which the bankrupt resides. The same privilege is extended to the assignees objecting to the validity of any claim upon the bankrupt, presented before the Commissioners; in this manner every lawsuit which could arise in the settlement of a bankrupt's estate, respecting the demands of any of his creditors, would be drawn into the circuit court for decision. This would be the case whether he became a bankrupt voluntarily, or by compulsion, and without any regard either to his occupation or place of residence, or that of his creditors. The whole structure of the National Judiciary would thus be changed. It would then possess jurisdiction, not only over controversies arising between citizens of different States, but over an immense number of those existing between citizens of the same State.

It would be tedious to enumerate, and perhaps impossible to foresee, all the controversies which, under the provisions of this bill, must exclusively be determined by the federal courts. The sixty-third section contains a sweeping clause upon this subject. It provides "that, except in the cases which are in this act otherwise specially provided for, if any bankrupt, or any assignee or assignees, creditor or creditors, or any other person, shall conceive himself, herself, or themselves, aggrieved by any examination, order, decision, denial, or other proceeding of the Commissioners, under any commission, or any act, proceeding, refusal, neglect, or omission of the bankrupt, or any assignee or assignees, or creditor or creditors, under, or by virtue of this act," such person may petition the circuit court, for the district where the commission issued, or either of its judges, for relief. The court, or the judge, is then bound to take cognizance of the complaint, and, at the election of either party, direct any facts in controversy to be tried by a jury.

In the State of Pennsylvania there are but two district courts of the United States, the one located in the city of Philadelphia, the other in the city of Pittsburg. The distance between these two places is three hundred miles. The

inconvenience and expense to the people, from every section of the State, of attending those two courts, as parties, and as witnesses, would be an intolerable grievance. Under the provisions of this bill, however, such attendance must necessarily be a matter of daily occurrence. The people are already sufficiently harassed, by being obliged to be present at the courts within their own counties; but, if you compel them to travel to the federal courts, from one extremity of a large State to the other, it would be an evil scarcely to be endured. The same inconveniences will exist in every other State in the Union, but they will be felt in a greater degree by the people of the larger States. This is another radical objection against the passage of a bankrupt bill by Congress. It is one which cannot be renewed, because it results from the organization of the federal courts under the constitution, and the allotment of judicial power between them and the courts of the several States. It demonstrates, however, that the power to pass bankrupt laws could be exercised by the States much more conveniently for the people, than by the General Government.

Another serious objection to the passage of the bill, is its manifest tendency to increase the perpetration of fraud. It is true, it has been strenuously maintained by its friends, that it will, in a great degree, repress that evil. Has the experience of England justified them in making this prediction? Does not the testimony which has been taken before the committee of the House of Commons prove clearly the contrary? Indeed, so pressed down with its weight was my honorable colleague, (Mr. S.) that he was obliged to attribute the innumerable frauds which had been committed under the bankrupt law of that country, not to the operation of the law itself, but to the general corruption which prevailed among the people. This bill, should it become a law, must be productive of innumerable frauds, unless it will have the power of changing the nature of man, and rendering him the less criminal because he is the more tempted. He who created man, and therefore best knew his heart, directed him to pray that he might not be led into temptation. This bill informs the debtor that, if he will conform to its provisions, he shall obtain a certificate which will discharge him from all his debts. The State insolvent laws declare to him that, when he has given up all his property for the use of his creditors, he has done no more than his duty, and that his future acquisitions shall be answerable until his debts are paid. If a debtor can pass the ordeal of this bankrupt law, and obtain his certificate, he may then in security enjoy that property which successful fraud has enabled him to conceal. Under the State insolvent laws, however, he must know that the moment his concealed property is brought to light, it is liable to be seized by his creditors. Whilst, therefore, a bankrupt law holds out every temptation to make the debtor dishonest, an insolvent law presents him no such inducement. Indeed, his true policy is

MARCH, 1832.]

The Bankrupt Bill.

[H. OF R.]

directly the reverse. Upon his good and fair conduct, and the consequent favorable regard of his creditors, depends his hopes of a discharge.

It is true, that by this bill a bankrupt cannot obtain a discharge from all his debts, unless by the consent of two-thirds of his creditors in number and value. In theory, this would appear to present a considerable difficulty in the way of obtaining a certificate. In practice, under the English bankrupt laws, it has been found more nominal than real. Indeed, but few instances have, I believe, occurred in the history of their bankrupt laws, in which consent has not been obtained. In this country, under our judiciary system, it would, perhaps, be still easier for the bankrupt to escape from his debts. He himself, if he be fraudulently disposed, can, by his own act, create as many creditors as he chooses. If the assignees or the other creditors think proper to dispute the claims of those believed to be fraudulent, they may insist upon having a trial by jury before the circuit court. Where the bankrupt has little or no property to divide, as would be the case in most instances, neither his assignees nor honest creditors would incur the expense and trouble of carrying on a lawsuit, perhaps a hundred miles from home, to disprove any debt presented before the commissioners. Even should they think proper to do so, it would be difficult to accomplish it, if the fraud had been conducted with any art; because, in the law, fraud is never to be presumed, but must be clearly proved.

The evils which would flow from the retrospective operation of this bill, I shall not touch; they have already been ably and eloquently decanted upon by others.

I shall now come to my concluding argument against the passage of this bill. It would tend again to arouse the spirit of wild and extravagant speculation, which has spread distress far and wide over the land. It will tend again to produce those very evils for which its friends say it is intended to provide a remedy.

What has been the history of this country? Upon this subject let us not turn a deaf ear to the dictates of experience. It is the best teacher of political wisdom.

Under our glorious constitution, the human mind is unrestrained in the pursuit of happiness. The calm of despotism does not rest upon us. Neither the institutions of the country, nor the habits of society, have established any *castes* within the limits of which man shall be confined. The human intellect walks abroad in its majesty. This admirable system of government, which incorporates the rights of man into the constitution of the country, develops all the latent resources of the intellect, and brings them into active energy. The road to wealth and to honor is not closed against the humblest citizen; and Heaven forbid that it ever should!

It is, however, the destiny of man to learn that evil often treads closely upon the footsteps of good. The very liberty which we enjoy, un-

less we are restrained by the dictates of morality and of prudence, has a tendency to make us discontented with our condition. It often produces a restless temper, and a disposition to be perpetually changing our pursuits, for the purpose of becoming more wealthy or more distinguished. The frame of mind produced by freedom, if kept within proper bounds, is a source of the greatest advantages to individuals and to society; if unrestrained and suffered to run wild, it leads to every species of extravagance and folly.

A few merchants, both in the cities and in the country, have amassed splendid and princely fortunes. These have glittered in the fancy of the thoughtless and unsuspecting countryman, and have roused his ambition or his avarice. He never calculated that it requires a union of considerable parts, with great experience, to make an accomplished merchant; and that, with all these advantages, but few comparatively are successful. His son is taught book-keeping at a country school, and then he abandons the pursuit of his fathers. He leaves the business of agriculture, which is the most peaceful, the most happy, the most independent, and, I might add, the most respectable, in society, to become a merchant. He spurns the idea of treading in the path of his ancestors, and acquiring his living by the sweat of his brow. Wealth and distinction have become his idols, and have turned his brain.

Is not this the history of thousands in our country within the last twenty years? It was not difficult to predict what would be the melancholy catastrophe. Bankruptcy and ruin have fallen upon the thoughtless adventurers.

Happy would it have been for the country had this spirit of speculation confined itself to the farmer who turned merchant. We have witnessed it spreading over every class of the community. We have, in innumerable instances, seen the plain, sober, industrious, and experienced farmer, converted into a speculator in land and in stocks. We have lived in a time when the foundations of society appeared to be shaken, and when the love of gain seemed to swallow up every other passion of the heart. This disposition gave birth to the hundreds and thousands of banks which have spread themselves over the country. Their reaction upon the people doubled the force of the original cause which produced them. They deluged the country with bank paper. The price of land rose far beyond its real value; it commanded from \$200 to \$400 per acre in many parts of the district which I have the honor, in part, to represent; and I know one instance in which a man agreed to give \$1,500 per acre for a tract of land, which he afterwards laid out in town lots. He sold the lots at so large a profit that he would have accumulated an independent fortune by the speculation, had not the times changed, and the lot-holders, in consequence, been unable to pay the purchase money.

This universal delusion has vanished; the enchantment is at an end; the people have been

H. OF R.]

Exchange of Stocks.

[MARCH, 1822.]

restored to their sober senses. In the change, which was rapid, many honest and respectable citizens have been ruined. Among many, misery and want have usurped the abodes of happiness and plenty. I most sincerely deplore their situation; but, as legislators, we should also have some compassion on the community. Experience has taught us a lesson which, I trust, we shall never forget—that a wild and extravagant spirit of speculation is one of the greatest curses which can pervade our country. Do you wish again to arouse it? Do you wish again to witness the desolation which it has spread over the land, and which we are now slowly repairing? Then pass this bankrupt bill. Inform the farmer, who is now contented and happy, and whom experience has taught the danger of entering into trade, that he may become a merchant or a landjobber; that he may proceed to any excess he thinks proper; that he need confine the extravagance of his speculations within no other limit but the extent of his credit; that if, at last, he should be successful, unbounded wealth will be his portion—if not, the law will discharge him from all his debts, and enable him to begin a new career; hold out a lure to all the industrious classes in society to abandon their useful and honorable pursuits, and enter into a speculation of some kind or other, by proclaiming it as the law, that, if they should prove unsuccessful, their debts shall be cancelled, and they shall be restored to their former situation. Such a law would present the strongest temptations to a man in society to become indolent and extravagant, because every man in society is embraced by its provisions. In this respect it is as novel as it is dangerous. Rest assured, Mr. Speaker, that our population require the curb more than the rein. If you hold out such encouragement to unbounded speculation as this bill presents, we shall, before many years, see all the occurrences again presented before us which have involved the country in unexampled distress.

The time may come, ages hence, when a bankrupt law may become necessary for the encouragement of commerce. History has instructed us that nations, like men, rise, and flourish, and decay. At present our population possesses all the vigor and enterprise of youth. The stimulus of such a bill would drive us on to madness. It would be putting into the hands of Phæton the reins of the chariot of the sun. The day will come, but I trust it is now far distant, when old age shall fall upon us as a nation—when wealth shall beget luxury and corruption—and when we shall be enfeebled in all our exertions. Then it may be necessary to hold out extraordinary allurements to commercial enterprise. When that day shall arrive; when our country shall be sinking into decline; when her energies shall be paralyzed; and when, perhaps, a new Republic, vigorous as ours is at present, may be her competitor in commerce, then, and not till then, will it be necessary that Congress should exercise the power

vested in them by the constitution, and pass uniform laws on the subject of bankruptcies.

When Mr. B. had concluded—

Mr. WRIGHT replied.

To put an end to further discussion of the subject, Mr. TAYLOR remarked that he felt it his duty to call for the previous question, and, on motion, it was decided in the affirmative—years 96.

At the suggestion of Mr. NELSON, of Virginia, Mr. CAMBRELENG moved for a reconsideration of the vote for the previous question just taken; but the House refused to reconsider the same—years 69, says 88.

The main question was then ordered, and was put, on reading the bill a third time, and decided in the negative—years 72, says 99, as follows:

YEAS.—Messrs. Allen of Massachusetts, Baldwin, Barber of Connecticut, Bayly, Bigelow, Borland, Breckenridge, Burrows, Cambreleng, Campbell of New York, Causden, Cocke, Colden, Conkling, Crafts, Cushman, Darlington, Denison, Dorice, Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Eustis, Farrelly, Findlay, Fuller, Gorcham, Hawks, Herrick, Hill, Holcombe, Hubbard, Jones of Tennessee, Kent, Kirkland, Little, McCarty, Milnor, Montgomery, Moore of Pennsylvania, Moore of Virginia, Moore of Alabama, Neale, Nelson of Massachusetts, Patterson of New York, Pitcher, Poinsett, Rich, Rochester, Rogers, Ruggles, Russ, Russell, Sawyer, Sergeant, S. Smith, J. S. Smith, Sterling of Connecticut, Sterling of New York, Stoddard, Taylor, Tod, Tomlinson, Tracy, Van Rensselaer, White, Whitman, Williamson, Wood, Woodson, and Wright.

NAYS.—Messrs. Alexander, Allen of Tennessee, Archer, Ball, Barber of Ohio, Bassett, Bateman, Baylies, Blackledge, Blair, Brown, Buchanan, Burton, Butler, Campbell of Ohio, Cannon, Caseedy, Chambers, Condict, Conner, Cook, Cuthbert, Dane, Dickinson, Edwards of North Carolina, Floyd, Gilmer, Gist, Gross, Hall, Hardin, Harvey, Hobart, Hooks, Jackson, F. Johnson, J. T. Johnson, J. S. Johnston, Jones of Virginia, Keyes, Lathrop, Leftwich, Lincoln, Litchfield, Long, Lowndes, McCoy, McDuffie, McNeill, McSherry, Mallary, Matlack, Matson, Mattocks, Mercer, Metcalfe, Mitchell of Pennsylvania, Mitchell of South Carolina, Morgan, Murray, Nelson of Virginia, New, Newton, Overstreet, Patterson of Pennsylvania, Phillips, Pierson, Plumer of New Hampshire, Plumer of Pennsylvania, Reed of Massachusetts, Reid of Georgia, Rhea, Ross, Sanders, Scott, Sloan, Arthur Smith, W. Smith, Alexander Smyth, Stevenson, Stewart, Swan, Swearingen, Tannall, Thompson, Trimble, Tucker of South Carolina, Tucker of Virginia, Upham, Vance, Van Wyck, Walker, Walworth, Whipple, Williams of North Carolina, Williams of Virginia, Wilson, Woodcock, and Worman.

So the bill was rejected. And then the House adjourned.

THURSDAY, March 14.

Exchange of Stocks.

On motion of Mr. SMITH, of Maryland, the House then resolved itself into a Committee of

MARCH, 1822.]

South American Independence.

[H. OF R.]

the Whole, on "a bill to authorize the Secretary of the Treasury to exchange certain stocks."

The general object of the bill was to pay off the United States stocks, bearing six and seven per cent. interest at five per cent. redeemable at a future period.

Mr. BALDWIN moved to amend the bill by inserting after the word "thirteen" in the 7th line, the words, "and also two millions of the six per cent. stocks of 1820."

Mr. LOWMEYER suggested that it was probable, from the tenor of the report of the Secretary of the Treasury, that the two millions contemplated by the amendment would be redeemed within no long time, and it would therefore be inexpedient to continue for many years to pay interest for the sum when it was in our power to redeem the principal; and that the effect of the amendment would naturally be to injure the public credit, by carrying with it the impression that the Government was not able to redeem that portion of the debt as soon as expected.

Mr. TUCKER, of Virginia, proposed to modify the amendment in such a manner as to leave it discretionary with the Executive to include the six per cent. of 1820, or not, as he may deem expedient.

This course was advocated by Mr. CAMBRELENG, but the modification was not then acceded to by the mover, and an extensive range of debate ensued upon the original amendment, which was supported by the mover and Messrs. TRIMBLE, MALLARY, BUCHANAN, ROSS, and FARRELLY, and opposed by Messrs. SMITH, of Maryland, COLDEX, LOWMEYER, WOOD, GORHAM, and NELSON, of Virginia.

Mr. BALDWIN finally expressed his willingness to leave it to the Executive to include the stock of 1820 or not, conformably to Mr. TUCKER's proposition; but before the question was determined, the committee rose, reported progress, and the House adjourned.

MONDAY, March 18.

Military Establishment.

Mr. COCKE moved that the House do come to the following resolutions, viz:

1. *Resolved*, That the act of the 2d of March, 1821, to reduce and fix the Military Peace Establishment of the United States, was not intended to authorize the President of the United States to dismiss officers then in service, and introduce others of the same grade into the army.

2. *Resolved*, That the dismissal of Brevet Brigadier General Daniel Bissell, Colonel of the 1st regiment of infantry, and of Joseph L. Smith, Colonel of the 3d regiment of infantry, as supernumerary, and the creation of three new colonels, to wit: Towson, Fenwick, and Butler, on the 1st day of June, 1821, was not authorized by the terms or by the spirit of the act of the 2d of March, 1821.

3. *Resolved*, That the appointment of Colonel James Gadsden to the office of Adjutant General of the United States Army, and the dismissal of Colo-

nels Butler and Jones from that office, was not justified by the act of the 2d of March, 1821.

4. *Resolved*, That the transfer of Lieutenant Colonel Lindsay from the seventh regiment of infantry to the third regiment of artillery, after the 1st of June, 1821, was contrary to the regulations for the government of the army of the United States, and not authorized by the terms or spirit of the act of the 2d of March, 1821.

5. *Resolved*, That it is the duty of Congress, upon national principles and considerations, to protect each officer and soldier of the army in the enjoyment of his legal and constitutional rights.

Mr. COCKE thought that the subject embraced by the resolutions was one which involved the interest of the country, and he therefore moved that they be laid on the table and printed.

Mr. WALWORTH observed that the subject embraced by the resolutions was now before the Military Committee, and he believed a member of it was employed at that moment in drawing a report upon it.

The SPEAKER observed that he thought it was proper on this occasion to put the question of consideration, and he was about to put the question, whether the House would now consider the resolutions; when

Mr. COCKE inquired by what rule he was deprived of the right to lay a resolution on the table?

The SPEAKER referred to the rule of the House, that, "when any motion or proposition is made, the question, 'Will the House now consider it?' shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker"—and the question of consideration was then put, and carried—ayes 62, noes 55.

Mr. COCKE then renewed his original motion that the resolutions be laid on the table and printed; which was carried without a division.

TUESDAY, March 19.

South American Independence.

Mr. RUSSELL, from the Committee on Foreign Relations, to which was referred the Message from the President of the United States, concerning the recognition of the independence of the late Spanish provinces in America, made report thereon; which was read and committed to the Committee of the whole House on the state of the Union; and five thousand copies thereof ordered to be printed for the use of the members of this House, in addition to the usual number. The report is as follows:

The Committee on Foreign Affairs, to which were referred the Message of the President, concerning the recognition of the late Spanish provinces in America, and the documents therewith communicated, having examined the same with the most profound attention, unanimously report:

That the provinces of Buenos Ayres, after having, from the year 1810, proceeded in their revolutionary movements without any obstacle from the Government of Spain, formally declared their independence of that Government in 1816. After various intestine

commotions and external collisions, those provinces now enjoy domestic tranquillity and good understanding with all their neighbors, and actually exercise, without opposition from within or the fear of annoyance from without, all the attributes of sovereignty.

The provinces of Venezuela and New Granada, after having, separately, declared their independence, sustained, for a period of more than ten years, a desolating war against the armies of Spain, and having severally attained, by their triumph over those armies, the object for which they contended, united themselves, on the 19th of December, 1819, in one nation, under the title of "the Republic of Colombia."

The Republic of Colombia has now a well-organized Government, instituted by the free will of its citizens, and exercises all the functions of sovereignty, fearless alike of internal and foreign enemies. The small remnant of the numerous armies commissioned to preserve the supremacy of the parent State, is now blockaded, in two fortresses, where it is innocuous, and where, deprived as it is, of hope of succor, it must soon surrender at discretion; when this event shall have occurred, there will not remain a vestige of foreign power in all that immense Republic, containing between three and four millions of inhabitants.

The province of Chili, since it declared its independence, in the year 1818, has been in the constant and unmolested enjoyment of the sovereignty which it then assumed.

The province of Peru, situated like Chili, beyond the Andes, and bordering on the Pacific Ocean, was for a long time deterred from making any effectual effort for independence, by the presence of an imposing military force, which Spain had kept up in that country. It was not, therefore, until the 12th of June of the last year, that its capital, the city of Lima, capitulated to an army, chiefly composed of troops from Buenos Ayres and Chili, under the command of General San Martin. The greatest part of the royal troops which escaped on that occasion retreated to the mountains, but soon left them to return to the coast, there to join the royal garrison in the fortress of Callao. The surrender of that fortress, soon after, to the Americans, may be regarded as the termination of the war in that quarter.

When the people of Peru found themselves, by this event, free to express their will, they most unequivocally expressed in favor of independence, and with a unanimity and enthusiasm which have nowhere been excelled.

The revolution in Mexico has been somewhat different in its character and progress from the revolutions in the other Spanish American provinces, and its result, in respect to the organization of its internal government, has, also, not been precisely the same. Independence, however, has been as emphatically declared and as practically established, since the 24th of August last, by the "Mexican Empire," as ever it has been by the Republics of the South; and her geographical situation, her population, and her resources, eminently qualify her to maintain the independence which she has thus declared, and now actually enjoys.

Such are the facts which have occupied the attention of your committee, and which, in their opinion, irresistibly prove that the nations of Mexico, Colombia, Buenos Ayres, Peru, and Chili, in Spanish America, are in fact independent.

It now remains for your committee to examine the right and the expediency, on the part of the United States, of recognizing the independence which those nations have thus effectually achieved.

In this examination, it cannot be necessary to inquire into the right of the people of Spanish America "to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, that separate and equal station to which the laws of nature and of nature's God entitle them." The right to change the political institutions of the State has, indeed, been exercised equally by Spain and by her colonies; and for us to deny to the people of Spanish America the right to independence, on the principles which alone sanction it here, would be virtually to renounce our own.

The political right of this nation to acknowledge their independence, without offending others, does not depend on its justice, but on its actual establishment. To justify such a recognition, by us, it is necessary only to show, as is already sufficiently shown, that the people of Spanish America are, within their respective limits, exclusively sovereign; and thus, in fact, independent. With them, as with every other Government possessing and exercising the power of making war, the United States, in common with all nations, have the right of concerting the terms of mutual peace and intercourse.

Who is the rightful sovereign of a country, is not an inquiry permitted to foreign nations, to whom it is competent only to treat with "the powers that be."

There is no difference in opinion on this point among the writers on public law, and no diversity, with respect to it, in the practice of civilized nations. It is not necessary here to cite authority for a doctrine familiar to all who paid the slightest attention to the subject, nor to go back, for its practical illustration, to the civil wars between the houses of York and Lancaster. Long since, the chiefs of those conflicting houses alternately triumphed and ruled, and were alternately obeyed at home and recognized abroad, according as they, successively, exercised the power, without demonstrating the right—monarchies have become commonwealths or republics, and powerful usurpers have been recognized by foreign nations, in preference to legitimate and powerless pretenders. Modern history is replete with instances in point. Have we not, indeed, within the brief period of our own remembrance, beheld governments vary their forms, and change their rulers, according to the prevailing power or passion of the moment, and doing so in virtue of the principle now in question, without materially and lastingly affecting their relations with other Governments? Have we not seen the emperors and kings of yesterday receive, on the thrones of exiled sovereigns, who claimed the right to reign there, the friendly embassies of other powers, with whom those exiled sovereigns had sought an asylum—and have we not seen to-day those emperors and kings, thus courted and recognized yesterday, rest of their sceptres, and, from a mere change of circumstances, not of right, treated as usurpers by their successors, who, in their turn, have been acknowledged and caressed by the same foreign powers?

The peace of the world, and the independence of every member of the great political family, require that each should be the exclusive judge of its own internal proceedings, and that the fact alone should be regarded by foreign nations. "Even when civil war breaks the bonds of society and of government,

MARCH, 1822.]

Spanish American Provinces.

[H. OF R.]

er, at least, suspends their force and effect, it gives birth in the nation to two independent parties, who regard each other as enemies, and acknowledge no common judge." It is of necessity, therefore, that these two parties should be considered, by foreign States, as two distinct and independent nations. To consider or treat them otherwise would be to interfere in their domestic concerns, to deny them the right to manage their own affairs in their own way, and to violate the essential attributes of their respective sovereignty. For a nation to be entitled, in respect to foreign States, to the enjoyment of these attributes, "and to figure directly in the great political society, it is sufficient that it is really sovereign and independent; that is, that it governs itself by its own authority and laws." The people of Spanish America do, notoriously, so govern themselves, and the right of the United States to recognize the governments which they have instituted is incontestable. A doubt of the expediency of such a recognition can be suggested only by the apprehension that it may injuriously affect our peaceful and friendly relations with the nations of the other hemisphere.

Can such an apprehension be well founded?

Have not all those nations practically sanctioned, within the last thirty years, the very principle on which we now propose to act; or have they ever complained of one another, or of us, for acting on that principle?

No nation of Europe, excepting Spain herself, has, hitherto, opposed force to the independence of Spanish America. Some of those nations have not only constantly maintained commercial and friendly intercourse with them, in every stage of the Revolution, but indirectly and efficiently, though not avowedly, aided them in the prosecution of their great object. To these the acknowledgment, by the United States, of the attainment of that object, must be satisfactory.

To the other nations of Europe, who have regarded the events occurring in Spanish America, not only without interference, but with apparent indifference, such an acknowledgment ought not to be offensive.

The nations who have thus respectively favored, or never opposed, the Spanish American people during their active struggle for independence, cannot, it is believed, regard with dissatisfaction the formal recognition of that independence by a nation, which, while that struggle lasted, has religiously observed, towards both the conflicting parties, all the duties of neutrality. Your committee are therefore of opinion, that we have a right, on this occasion, confidently to expect, from what these nations have done or forbore to do, during the various fortunes of the civil war which has terminated, that they will frankly approve the course of policy which the United States may now think proper to adopt in relation to the successful party in that war. It surely cannot be reasonably apprehended, that nations who have thus been the tranquil spectators, the apparent well-wishers, if not the efficient supporters, of this party, and who have not made the faintest attempt to arrest its progress, or to prevent its success, should be displeased with a third power, for merely recognizing the Governments which, owing to that success, have thus been virtually permitted, or impliedly approved, in acquiring the undisputed and exclusive control of the countries in which they are established. It is therefore on the consistency as well as on the justice of these nations of Europe, that we may confidently rely, that the simple recognition, on the part of the United States,

of the necessary effect of what has already been done, will not be considered as a just cause of complaint against them; while the interested and immediate agents, who have been directly and actively engaged in producing that effect, have neither been opposed nor censured.

Your committee, therefore, instead of seriously apprehending that the recognition, by the United States, of the independence of Spanish America, will be unacceptable to these nations, are not without hope that they may practically approve it, by severally adopting a similar measure. It is not, indeed, unreasonable to suppose, that those Governments have, like this, waited only for the evidence of facts which might not only suffice to justify them, under the laws and usages of nations, but to satisfy Spain herself, that nothing has been prematurely done, or which could justly offend her feelings, or be considered as inconsistent with her rights. As their motives for not having hitherto recognized the independence of Spanish America, may thus be supposed to have been analogous to our own, it is permitted to presume that the facts and reasons which have prevailed on us no longer to hesitate, will, confirmed as they are by our example, have a like influence on them.

No nation can entertain a more sincere deference for the feelings of Spain, or take a more lively interest in her welfare, than the United States. It is to this deference, too evident to be doubted or misunderstood, that ought to be ascribed the hesitation of this Government, until now, to yield to the claims of Spanish America, although these claims were in perfect accordance with our own principles, feelings, and interests. Having thus forbore to act, even at the hazard of having those principles and feelings misunderstood on this side of the Atlantic, we have, as your committee believe, given at once satisfactory proof of our disinterestedness and moderation; and of our scrupulous respect to the principle which leaves the political institutions of every foreign State to be directed by its own view of its own rights and interests.

Your committee have been particularly anxious to show, in a manner satisfactory to Spain herself, that the measure which this Government now proposes to adopt, has been considered with the most respectful attention, both in relation to her rights and to her feelings.

It is not on the laws and usages of nations, or on the practice of Spain herself on like occasions, that your committee have relied for our justification towards her.

The fact that, for the last three years, she has not sent a single company of troops against her transatlantic colonies, has not been used as evidence of their actual independence, or of her want of power to oppose it. This fact, explained as it is, by the public acts of Spain herself, is regarded by your committee as evidence only of her policy.

The last troops collected at Cadiz, in 1819, which were destined to suppress the revolutionary movements in Spanish America, not only rejected that service, but joined in the revolution, which has since proved successful in Spain itself. The declaration of the leaders in that revolution was, that "Spanish America had a right to be free, and that Spain should be free." Although the constitution, which was re-established by that revolution, guaranteed the integrity of the Spanish dominions, yet the principles

commotions and external collisions, those provinces now enjoy domestic tranquillity and good understanding with all their neighbors, and actually exercise, without opposition from within or the fear of annoyance from without, all the attributes of sovereignty.

The provinces of Venezuela and New Granada, after having, separately, declared their independence, sustained, for a period of more than ten years, a desolating war against the armies of Spain, and having severally attained, by their triumph over those armies, the object for which they contended, united themselves, on the 19th of December, 1819, in one nation, under the title of "the Republic of Colombia."

The Republic of Colombia has now a well-organized Government, instituted by the free will of its citizens, and exercises all the functions of sovereignty, fearless alike of internal and foreign enemies. The small remnant of the numerous armies commissioned to preserve the supremacy of the parent State, is now blockaded, in two fortresses, where it is innoxious, and where, deprived as it is, of hope of succor, it must soon surrender at discretion; when this event shall have occurred, there will not remain a vestige of foreign power in all that immense Republic, containing between three and four millions of inhabitants.

The province of Chili, since it declared its independence, in the year 1818, has been in the constant and unmolested enjoyment of the sovereignty which it then assumed.

The province of Peru, situated like Chili, beyond the Andes, and bordering on the Pacific Ocean, was for a long time deterred from making any effectual effort for independence, by the presence of an imposing military force, which Spain had kept up in that country. It was not, therefore, until the 12th of June of the last year, that its capital, the city of Lima, capitulated to an army, chiefly composed of troops from Buenos Ayres and Chili, under the command of General San Martin. The greatest part of the royal troops which escaped on that occasion retreated to the mountains, but soon left them to return to the coast, there to join the royal garrison in the fortress of Callao. The surrender of that fortress, soon after, to the Americans, may be regarded as the termination of the war in that quarter.

When the people of Peru found themselves, by this event, free to express their will, they most unequivocally expressed in favor of independence, and with a unanimity and enthusiasm which have nowhere been excelled.

The revolution in Mexico has been somewhat different in its character and progress from the revolutions in the other Spanish American provinces, and its result, in respect to the organization of its internal government, has, also, not been precisely the same. Independence, however, has been as emphatically declared and as practically established, since the 24th of August last, by the "Mexican Empire," as ever it has been by the Republics of the South; and her geographical situation, her population, and her resources, eminently qualify her to maintain the independence which she has thus declared, and now actually enjoys.

Such are the facts which have occupied the attention of your committee, and which, in their opinion, irresistibly prove that the nations of Mexico, Colombia, Buenos Ayres, Peru, and Chili, in Spanish America, are in fact independent.

It now remains for your committee to examine the right and the expediency, on the part of the United States, of recognizing the independence which those nations have thus effectually achieved.

In this examination, it cannot be necessary to inquire into the right of the people of Spanish America "to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, that separate and equal station to which the laws of nature and of nature's God entitle them." The right to change the political institutions of the State has, indeed, been exercised equally by Spain and by her colonies; and for us to deny to the people of Spanish America the right to independence, on the principles which alone sanction it here, would be virtually to renounce our own.

The political right of this nation to acknowledge their independence, without offending others, does not depend on its justice, but on its actual establishment. To justify such a recognition, by us, it is necessary only to show, as is already sufficiently shown, that the people of Spanish America are, within their respective limits, exclusively sovereign; and thus, in fact, independent. With them, as with every other Government possessing and exercising the power of making war, the United States, in common with all nations, have the right of concerting the terms of mutual peace and intercourse.

Who is the *rightful sovereign* of a country, is not an inquiry permitted to foreign nations, to whom it is competent only to treat with "the powers that be."

There is no difference in opinion on this point among the writers on public law, and no diversity, with respect to it, in the practice of civilized nations. It is not necessary here to cite authority for a doctrine familiar to all who paid the slightest attention to the subject, nor to go back, for its practical illustration, to the civil wars between the houses of York and Lancaster. Long since, the chiefs of those conflicting houses alternately triumphed and ruled, and were alternately obeyed at home and recognized abroad, according as they, successively, exercised the power, without demonstrating the right—monarchies have become commonwealths or republics, and powerful usurpers have been recognized by foreign nations, in preference to legitimate and powerless pretenders. Modern history is replete with instances in point. Have we not, indeed, within the brief period of our own remembrance, beheld governments vary their forms, and change their rulers, according to the prevailing power or passion of the moment, and doing so in virtue of the principle now in question, without materially and lastingly affecting their relations with other Governments? Have we not seen the emperors and kings of yesterday receive, on the thrones of exiled sovereigns, who claimed the right to reign there, the friendly embassies of other powers, with whom those exiled sovereigns had sought an asylum—and have we not seen to-day those emperors and kings, thus courted and recognized yesterday, left of their sceptres, and, from a mere change of circumstances, not of right, treated as usurpers by their successors, who, in their turn, have been acknowledged and caressed by the same foreign powers?

The peace of the world, and the independence of every member of the great political family, require that each should be the exclusive judge of its own internal proceedings, and that the fact alone should be regarded by foreign nations. "Even when civil war breaks the bonds of society and of government,

MARCH, 1822.]

Spanish American Provinces.

[H. OF R.]

or, at least, suspends their force and effect, it gives birth in the nation to two independent parties, who regard each other as enemies, and acknowledge no common judge." It is of necessity, therefore, that these two parties should be considered, by foreign States, as two distinct and independent nations. To consider or treat them otherwise would be to interfere in their domestic concerns, to deny them the right to manage their own affairs in their own way, and to violate the essential attributes of their respective sovereignty. For a nation to be entitled, in respect to foreign States, to the enjoyment of these attributes, "and to figure directly in the great political society, it is sufficient that it is really sovereign and independent; that is, that it governs itself by its own authority and laws." The people of Spanish America do, notoriously, so govern themselves, and the right of the United States to recognize the governments which they have instituted is incontestable. A doubt of the expediency of such a recognition can be suggested only by the apprehension that it may injuriously affect our peaceful and friendly relations with the nations of the other hemisphere.

Can such an apprehension be well founded?

Have not all those nations practically sanctioned, within the last thirty years, the very principle on which we now propose to act; or have they ever complained of one another, or of us, for acting on that principle?

No nation of Europe, excepting Spain herself, has, hitherto, opposed force to the independence of Spanish America. Some of those nations have not only constantly maintained commercial and friendly intercourse with them, in every stage of the Revolution, but indirectly and efficiently, though not avowedly, aided them in the prosecution of their great object. To these the acknowledgment, by the United States, of the attainment of that object, must be satisfactory.

To the other nations of Europe, who have regarded the events occurring in Spanish America, not only without interference, but with apparent indifference, such an acknowledgment ought not to be offensive.

The nations who have thus respectively favored, or never opposed, the Spanish American people during their active struggle for independence, cannot, it is believed, regard with dissatisfaction the formal recognition of that independence by a nation, which, while that struggle lasted, has religiously observed, towards both the conflicting parties, all the duties of neutrality. Your committee are therefore of opinion, that we have a right, on this occasion, confidently to expect, from what these nations have done or forbore to do, during the various fortunes of the civil war which has terminated, that they will frankly approve the course of policy which the United States may now think proper to adopt in relation to the successful party in that war. It surely cannot be reasonably apprehended, that nations who have thus been the tranquil spectators, the apparent well-wishers, if not the efficient supporters, of this party, and who have not made the faintest attempt to arrest its progress, or to prevent its success, should be displeased with a third power, for merely recognizing the Governments which, owing to that success, have thus been virtually permitted, or impliedly approved, in acquiring the undisputed and exclusive control of the countries in which they are established. It is therefore on the consistency as well as on the justice of these nations of Europe, that we may confidently rely, that the simple recognition, on the part of the United States,

of the necessary effect of what has already been done, will not be considered as a just cause of complaint against them; while the interested and immediate agents, who have been directly and actively engaged in producing that effect, have neither been opposed nor censured.

Your committee, therefore, instead of seriously apprehending that the recognition, by the United States, of the independence of Spanish America, will be unacceptable to these nations, are not without hope that they may practically approve it, by severally adopting a similar measure. It is not, indeed, unreasonable to suppose, that those Governments have, like this, waited only for the evidence of facts which might not only suffice to justify them, under the laws and usages of nations, but to satisfy Spain herself, that nothing has been prematurely done, or which could justly offend her feelings, or be considered as inconsistent with her rights. As their motives for not having hitherto recognized the independence of Spanish America, may thus be supposed to have been analogous to our own, it is permitted to presume that the facts and reasons which have prevailed on us no longer to hesitate, will, confirmed as they are by our example, have a like influence on them.

No nation can entertain a more sincere deference for the feelings of Spain, or take a more lively interest in her welfare, than the United States. It is to this deference, too evident to be doubted or misunderstood, that ought to be ascribed the hesitation of this Government, until now, to yield to the claims of Spanish America, although these claims were in perfect accordance with our own principles, feelings, and interests. Having thus forborne to act, even at the hazard of having those principles and feelings misunderstood on this side of the Atlantic, we have, as your committee believe, given at once satisfactory proof of our disinterestedness and moderation; and of our scrupulous respect to the principle which leaves the political institutions of every foreign State to be directed by its own view of its own rights and interests.

Your committee have been particularly anxious to show, in a manner satisfactory to Spain herself, that the measure which this Government now proposes to adopt, has been considered with the most respectful attention, both in relation to her rights and to her feelings.

It is not on the laws and usages of nations, or on the practice of Spain herself on like occasions, that your committee have relied for our justification towards her.

The fact that, for the last three years, she has not sent a single company of troops against her transatlantic colonies, has not been used as evidence of their actual independence, or of her want of power to oppose it. This fact, explained as it is, by the public acts of Spain herself, is regarded by your committee as evidence only of her policy.

The last troops collected at Cadiz, in 1819, which were destined to suppress the revolutionary movements in Spanish America, not only rejected that service, but joined in the revolution, which has since proved successful in Spain itself. The declaration of the leaders in that revolution was, that "Spanish America had a right to be free, and that Spain should be free." Although the constitution, which was re-established by that revolution, guaranteed the integrity of the Spanish dominions, yet the principles

on which that constitution was founded seem to discountenance the employment of force for the accomplishment of that object, in contempt of the equal rights and declared will of the American portion of the Spanish people. The conduct of the Government, organized under that constitution, has uniformly been, in this respect, in conformity to those principles. Since its existence, there has not been even a proposal by that Government to employ force for the subjugation of the American provinces, but merely recommendations of conciliatory measures for their pacification.

The answer of the Cortes, on the 10th of July, 1820, to the address of the King, furnishes conclusive proof of this policy.

"The intimate union," says this answer, "of the Cortes with your Majesty; the re-establishment of the constitution; the faithful performance of promises, depriving malevolence of all pretext, will facilitate the pacification of the ultra marine provinces, which are in a state of agitation and dissension. The Cortes, on its part, will omit no opportunity to propose and adopt measures necessary for the observance of the constitution and restoration of tranquillity in those countries, to the end that the Spain of both worlds may thus form a single and happy family."

Although the ultra marine provinces are not here encouraged to expect absolute independence, yet they are no longer treated as vassal colonies, or threatened with subjugation, but are actually recognized as brothers in the great constitutional and free family of Spain.

A report made to the Cortes on the 24th of June, 1821, by a committee appointed by that body, not only manifestly corroborates the policy above stated, but sufficiently intimates that the recognition of the independence of Spanish America by Spain herself, had nearly been the measure recommended by that committee.

That report avers that "tranquillity is not sufficient, even if it should extend throughout America, with a prospect of permanency. No; it falls short of the wishes of the friends of humanity."

In speaking of the measure demanded by the crisis, it says that this measure was not only warmly approved by the committee, but at first entirely assented to by the Ministers with whom it had been discussed, and failed only to be proposed to the Cortes "by these Ministers having, on account of peculiar occurrences, suspended their judgment." It speaks of this measure as indicative of a new and glorious resolution; that it was demanded by America and the true interests of the Peninsula; that from it Spain might reap advantages which otherwise she could never expect; and that the ties of kindred and the uniformity of religion, with commercial relations, and those emanating from free institutions, would be the surest pledge of mutual harmony and close union.

Your committee do not feel themselves authorized to say positively what that measure was, but they do not hesitate to declare their entire conviction that no measure short of a full recognition of unconditional independence, could have deserved the character, nor been capable of producing the effects ascribed to it.

It is therefore sufficiently manifest that Spain, far from wishing to call into action her means of prosecuting hostilities against the people of Spanish Amer-

ica, has renounced even the feelings of an enemy towards them, and but for "peculiar occurrences" had been prepared nearly a year ago to consent to their independence.

She has not only practically discontinued, and even emphatically deprecated, the employment of force to restore tranquillity to Spanish America, but she has declared that even universal and permanent tranquillity there "falls short of the wishes of the friends of humanity."

While she appeals to the "ties of kindred," she undoubtedly feels them; and if she has not abandoned her desire, so often avowed, of mere constitutional union and equal commercial intercourse with her former colonies, as between provinces of the same empire, a union and an intercourse which intervening Andes and oceans seem to render highly inconvenient, if not utterly impracticable, she evidently refers the accomplishment of this desire to the unawed deliberations and to the congenial and kindred feelings of the people of those colonies, and thus substantially acknowledges their independence.

Whatever may be the policy of Spain, however, in respect to her former American colonies, our recognition of their independence can neither affect her rights nor impair her means in the accomplishment of that policy. We cannot for this be justly accused of aiding in the attainment of an independence which has already been established without our assistance. Besides, our recognition must necessarily be co-existent with the fact on which it is founded, and cannot survive it. While the nations of Spanish America are actually independent, it is simply to speak the truth to acknowledge them to be so.

Should Spain, contrary to her avowed principles and acknowledged interests, renew the war for the conquest of South America, we shall indeed regret it; but we shall observe, as we have done between the independent parties, an honest and impartial neutrality. But on the other hand should Spain, faithful to her own glory and prosperity, consent that her offspring in the New World should enjoy the right of self-government equally with their brethren in the Old, we shall sincerely rejoice; and we shall cherish with equal satisfaction, and cultivate with equal assiduity, the friendship of regenerated Spain and of emancipated America.

Your committee, in justice to their own feelings and to the feelings of their fellow-citizens, have made this declaration without disguise; and they trust that the uniform character and conduct of this people will save it from all liability to misinterpretation.

Happy in our own institutions, we claim no privilege; we indulge no ambition to extend them to other nations; we admit the equal rights of all nations to form their own governments and to administer their own internal affairs as they may judge proper; and however they may in these respects differ from us, we do not on that account, regard with the less satisfaction their tranquillity and happiness.

Your committee, having thus considered the subject referred to them in all its aspects, are unanimously of opinion, that it is just and expedient to acknowledge the independence of the several nations of Spanish America, without any reference to the diversity in the forms of their governments; and in accordance with this opinion, they respectfully submit the following resolutions:

Resolved, That the House of Representatives con-

MARCH, 1822.]

Revolutionary Pension Bill.

[H. OF R.]

cur in the opinion expressed by the President in his Message of the 8th of March, 1822, that the American provinces of Spain which have declared their independence, and are in the enjoyment of it, ought to be recognised by the United States as independent nations.

Resolved, That the Committee of Ways and Means be instructed to report a bill appropriating a sum, not exceeding one hundred thousand dollars, to enable the President of the United States to give due effect to such recognition.

THURSDAY, March 21.

District of Columbia.

Mr. KEET, from the Committee for the District of Columbia, to which was referred, on the 9th instant, a petition of sundry inhabitants of the said District, reported a bill to enable the inhabitants of the District of Columbia to form a frame of government; which was read twice, and committed to a Committee of the Whole.—The bill is as follows:

A Bill to enable the inhabitants of the District of Columbia to form a frame of Government.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the inhabitants of the District of Columbia be, and they hereby are, authorized to hold a Convention, to determine whether it will be for their benefit to have the rights of self-government extended to them, so far as the same may constitutionally be done; and if they shall be of such opinion, to form a frame of government, to be submitted to Congress for their approbation.

SEC. 2. *And be it further enacted*, That the said Convention shall be composed of twelve representatives for the city of Washington, and that part of the county of Washington east of Rock Creek; of eight representatives for the town of Georgetown, and that part of the county west of Rock Creek; and of nine representatives from the town and county of Alexandria. The said representatives to be free white taxable males, inhabitants of said District, above the age of twenty-one years, who shall be chosen by ballot, by the free white taxable males, inhabitants of said District, above the age of twenty-one years, on the — day of — next, under the superintendence of such judges, at such place in each of the said towns, and subject to such other directions, as the President of the United States may prescribe.

SEC. 3. *And be it further enacted*, That the persons so chosen shall convene, in the city of Washington, at such place as shall be fixed by the President of the United States, on the — day of —, and shall organize themselves by the appointment of a presiding officer, and such other officers as may be necessary. A majority of the members shall constitute a quorum, and their proceedings shall be communicated to the President of the United States, to be by him laid before Congress at their next session.

MONDAY, March 25.

Revolutionary Pension Bill.

The House then resolved itself into a Committee of the Whole, on the bill supplementary to the act to provide for persons engaged in the land and naval service of the United States in the Revolutionary war.

Mr. KEYES submitted the following amendment to the first section: "and in all cases he shall be considered unable to support himself if he is over the age of sixty-five years, and his property does not exceed one hundred dollars."

Mr. KEYES observed that this was a bill supplementary to two acts passed by Congress. The first was passed March 18, 1818, which was favorable to a certain proportion of the American Revolutionary Army. The other act of Congress, which was in addition to the act of 1818, was passed May 1, 1820, and in my opinion, said Mr. K., it had torn out a part of the bowels of the act of 1818; for it gave one man authority to drop from the pension roll as many men as he should please—and it had been his pleasure to drop from the pension roll in pursuance of said act, more of the old soldiers than the British, and their allies, the Hessians and Indians, ever slew in any one battle during the Revolutionary war. And the striking off of the pension roll, is the cause of so many prayers and petitions being presented to this Congress from the old heroes—stating that they were wrongfully struck off the pension roll, and now begging Congress to restore them to said roll again; and I ask Congress, said Mr. K., what will you do with these old worthies? Time is short—I mean it is short with the remnant of that Revolutionary Army. Mr. Chairman, let us make a calculation. Many of that Army, in the year 1775, were rising of sixty years of age forty-seven years ago. That would make this class of soldiers one hundred and seven years old. Where are they, Mr. Chairman? They are all in their graves. No pensions are needed for this class of soldiers. But, sir, generally speaking, that Army were from the age of forty-five to eighteen years of age. Take forty-five and add forty-seven years, since the commencement of that war, and it would make that class ninety-two years old at the present time. I ask where are they? They likewise are all in their graves, or nearly all. You will not have any pensions to give them, or, if any, but few. We will now speak of the youngest class, or nearly so—eighteen at the commencement of the war, forty-seven since, will make that class sixty-five. This class is in the evening of their days, and will you not afford them a little relief? Mr. Chairman, I was one of those American Revolutionary rebels, as the British were pleased to call us, when we fought under the authority of the thirteen colonies, and I well remember the cold and hunger, the fatigue and slaughter which that Army had to meet with. Yes, Mr. Chairman, that Revolutionary Army, under the confederated States, underwent every thing but death, in defending their country from the oppression and tyranny of their mother country, and thousands and thousands of them were slain in that bloody and awful conflict. These old heroes were undoubtedly the bravest men that the world ever produced, ever since David fought Goliath, the Lion, and the Bear. And how, Mr. Chairman, were these worthy soldiers

H. of R.]

Revolutionary Pension Bill.

[MARCH, 1822.]

paid for the great services they had rendered their country? I answer, they were paid in rags, made into Continental bills, which bills represented gold and silver. But these bills were never redeemed, therefore the soldiers were never paid according to contract. But these old heroes, after they had spent the glory of their days in defending the liberties of their country, sat down easy and contented. No murmuring—no complaint was heard from them. No prayers—no petitions were presented by them to Congress to give them pensions; and so the old heroes would have remained in their poverty until death, had not the Congress in March, 1818, of their own free will and accord, unsolicited by the indigent soldiers, passed a generous law, inviting the soldiers and sailors who were poor and needy, to come and take a pension for life. Congress pointed out the road for them to come; and what, said Mr. K., were the requirements of Congress in that bill? I answer, the applicant was to make a declaration under oath, before a United States judge, or one of the judges of the State, Territory, or county, where the applicant resided, stating his reduced circumstances, and need of his country's help—the time he engaged in the United States service—the company, regiment, and the line of the Army he served in, the time and manner of his discharge from the Army, and what other proof was in his power to make; and when he had thus sworn under oath before the said judge, and made what other proof he could—if the judge was of the opinion he had served against the common enemy, according to the requirements of the act, and was in such reduced circumstances as to need the assistance of his country, the judge was to transmit the testimony in the case, and the proceedings had thereon, to the Secretary of the Department of War, and if he was satisfied that the soldier or sailor comes under the provisions of said act, it was his duty to put him on the pension roll. And was this all, Mr. Chairman? No—there was a clause in the act which provided that, if any applicant gave false testimony in his declaration, he should be liable to indictment for wilful and corrupt perjury. And now I ask every lawyer in this Congress the question, whether there was any other legal way to have dropped any soldier from the pension roll, except to first convict him of wilful and corrupt perjury? And I am fully persuaded that every lawyer of good understanding will join me in the opinion, that there was not any other legal way to drop any off of the pension roll.

Mr. ALEXANDER, of Virginia, said, in order to try the sense of the House as to the principle of the bill, he would move to strike out the first section, which was extremely obnoxious to him. He was not so much opposed to the second, which resulted from the necessity of the case; but, rather than gain that at the expense of the other, he would be willing to give up the whole. He must confess his surprise to find his friend from Tennessee (Mr. COOKE) among the advo-

cates of this bill, who had at all times evinced such a disposition to economize every department, and to bring the expenditure within the means of the Government. It was not so surprising to find a support elsewhere, when he recollected, at a former period, that every effort was made to destroy the provisions of the last act upon the subject, which, however reluctantly, gentlemen are obliged to admit have been extremely salutary. No one ever thought, under the original act, we should be compelled to appropriate three millions of dollars to carry it into effect. And no one can take upon himself to say—not even the gentleman from Tennessee—if the bill passes in its present shape, that we shall not be called upon to add five hundred thousand or a million to the present fund for the present purpose. These contingencies, like some others, will be presented at a time when we are least prepared to meet the demand, and will have to be put down under the head of deficiencies. And I do deem it of some consequence to know what will be the probable estimate, if gentlemen are determined to entail this system upon the nation. The amount, however, out of the question, and I am opposed to the bill in principle.

Gentlemen may call it by what name they please, it is little else than the original act itself, liable to the same system of fraud, perjury, and corruption, which have heretofore been practiced upon the Government. For, sir, what is the character of it? It provides that "in all cases where persons are stricken from the pension roll, and they are afterwards from any cause so reduced in circumstances as to be incapable of supporting themselves, they may be permitted to come in and take advantage of the act passed in 1820." And, my word for it, there will be scarcely one who will not bring himself within the rule; for we know how easy a matter it is for an individual, if you prescribe to him the nature of the evidence required, to make out his case. It is in fact an invitation—nay, an encouragement—to those who, with a proper share of industry and exertion, are capable of supporting themselves and family, to get rid of the little property which they have as an encumbrance, by putting it to hazard in dissipation or any other way, provided it does not appear to be done with a fraudulent intent; and (as the ingenuity of man is always capable of the task) well knowing that, let the worst happen, they can here take the benefit of the insolvent act, by which they will be placed in a more solvent condition.

I do not say that it will be the case with all of them, but that it will with the greater part there is every reason to believe, notwithstanding your oaths, your schedules, and every thing besides; particularly when we have been told that an individual who once claimed the honor of a seat on this floor, and it is presumed stood well in the confidence of the people, felt no scruples upon this subject. And with such high examples before their eyes, is it at all wonderful

MARCH, 1822.]

Expenditures on Public Buildings.

[H. OF R.]

that they who move in a much humbler sphere should equally disregard the solemnity and obligation of an oath?

I do not mean to disparage the claim of the Revolutionary soldier, but, as my honorable colleague (Mr. RANDOLPH) very properly remarked on a former occasion, it is disparaged by the very act itself. For you know, sir, it is one thing to face your enemy, and another to turn your back upon him; and no one will pretend to say, that these are equally deserving the affections of the American people.

Gentlemen tell us that the Revolutionary soldier is fast hastening to his home; and the one who spoke first in this debate (Mr. KEYES) undertook to prove—what is reduced to almost arithmetical certainty—that the first enlistment is fairly off the stage, and the last well turned of sixty, and a few more days will light their "way to dusty death." Yes, sir, *labitur et labetur* is applied to the progress of time, and I wish it may not with some propriety be applied to the Revolutionary course of the soldiers; for in truth, from the evidence before us, they put me very much in mind of the buckram gentry, who, instead of diminishing, multiply in a geometrical ratio. The system, sir, is wrong in itself; and the more it is attempted to be mended, the worse it is for the nation.

Mr. McCoy moved to lay the bill on the table, which was lost; when the bill was ordered to be engrossed for a third reading to-morrow.

TUESDAY, March 26.

Project of the French citizen, Mons. Franchieu, for the Protection of the Liberty of the Press.

The SPEAKER laid before the House two pamphlets which had been transmitted to him as Speaker, by Monsieur Franchieu, a citizen of France, containing a project for the protection of the liberty of the press, which he desired to be laid before the House of Representatives. They were ordered to lie on the table.

Revolutionary Pension Bill.

An engrossed bill, entitled "An act supplementary to the acts providing for the relief of certain persons engaged in the land and naval service of the United States in the Revolutionary war," was read the third time.

And, on the question, "Shall the said bill pass?" it was determined in the affirmative—yeas 128, nays 23.

Expenditures on Public Buildings.

Mr. NELSON, of Massachusetts, from the Committee on Expenditures on the Public Buildings, made the following report:

The Committee on the Expenditures on the Public Buildings, report: That it appears from the statement of the Commissioner of the Public Buildings, laid before the committee, that his disbursements on

account of the centre building of the Capitol, during the year 1821, were as follows, viz:

For materials - - - -	\$32,209 50
For freight, warfage, drayage, tools, smith's bill, fuel, stationery, &c. -	7,922 49
For compensation to architect, clerk, and three persons at the head of carvers', stonecutters', and carpenters' departments - - - -	8,250 00
For labor, including pay of five persons employed as foremen and overseers -	53,932 30

Amount expended on centre building of Capitol, in 1821 - - - -	\$102,814 29
And there was expended upon the President's House, in the same year, the sum of - - - -	5,405 32
For old Executive offices - - - -	5,736 67
For ground around the Capitol - - - -	2,017 56

Amount expended on the public buildings and Capitol square, in 1821 -	\$115,478 84
---	--------------

Appropriations.

March 3, 1821. For the work on centre building of Capitol, in addition to unexpended balances of appropriations to other buildings - - -	\$80,000 00
--	-------------

January 1, 1821. The unexpended balance of former appropriations for the centre building, as appears by the Commissioner's letter, of the 25th of January, 1821, was - - - -	35,664 19
--	-----------

The unexpended balance of appropriations of the 11th of April, 1820, for wings of Capitol and Senate Chamber, transferred by act of 3d March, 1821, was - - - -	993 23
---	--------

March 3, 1819. For covering the old Executive offices with Slate - - -	10,000 00
--	-----------

March 3, 1821. For covering the roof of the President's house with copper -	7,845 00
---	----------

March 3, 1821. For graduating and improving the ground around the Capitol - - - -	2,000 00
---	----------

Amount applicable to public buildings and Capitol square, in 1821 - - -	\$136,502 45
---	--------------

From the foregoing statement it will be perceived that, with the exception of a small excess in the disbursement on Capitol square, the expenditures have been kept within the appropriations; that, on the 1st January, 1822, there was an unexpended balance of appropriations for the centre building and wings of the Capitol, of \$14,343 16, applicable to the work on the centre building; and that the amount of the sums expended upon the President's house, the old Executive offices, and the ground around the Capitol, in 1821, is less by \$6,685 45 than the amount of appropriations for those objects, by the acts of the 3d of March, 1819, and the 3d of March, 1821. An appropriation of \$700 by the act of the 3d of March, 1821, for improvements in the Senate Chamber, and in the Hall of the House of Representatives, and in the Library, is not embraced in the above statement. The committee are of opinion that the materials were purchased at moderate prices; that the labor was procured on reasonable terms; and that the

work has been executed in a substantial and workmanlike manner.

The report was, on motion of Mr. NELSON, ordered to lie on the table.

Florida Territorial Government—Refusal to Extend "the Principles of the Constitution" to the Territory for the Protection of Liberty, Property, and Religion; and the Grant of the same Protection under the Ordinance of '87, and the Treaty of Cession.

The House then resolved itself into a Committee of the Whole on the state of the Union, on a bill from the Senate to establish a Territorial government in Florida.

Mr. HILL proposed to insert in the 20th line of seventh section, after the word "court," the words who shall reside in or near St. Augustine and Pensacola, respectively." The amendment was supported by the mover, and opposed by Messrs. SERGEANT and MOORE, of Alabama, when the question was put, and the amendment negatived.

Many amendments were proposed and considered; among which were two by Mr. SANDERS, of North Carolina, which gave rise to some debate, one of which was withdrawn by the mover, and the other was adopted. Among the gentlemen who proposed or spoke to amendments, were Messrs. ALLEN, of Massachusetts, BURTON, RHEA, and many others.

Mr. MONTGOMERY, after a few prefatory remarks, submitted, as a substitute for a section which it was proposed to strike out, the following:

And be it further enacted, That all the principles of the United States Constitution, for the security of civil and religious freedom, and for the security of property, and the sacredness of rights to things in action; and all the prohibitions to legislation, as well with respect to Congress as the Legislatures of the States, be, and the same are hereby declared to be, applicable to the said Territory, as paramount acts.

Mr. RHEA said he would vote against striking out the section under consideration. We have, said he, lately obtained the sovereignty of Florida. The people inhabiting that country have not long been comprehended within the territory of the United States. The ninth [tenth] section of the bill contains three great principles, namely: one securing the right of conscience, one securing personal liberty, and another securing the right of property. The people of Florida (except citizens of the United States who may have removed there either temporarily or permanently) know little of our constitution and laws; to these they are strangers. Many principles of the Constitution of the United States require laws of the United States to carry them into operation. It has been intimated that the Constitution of the United States covers the people of Florida, and that is sufficient. The treaty whereby Spain ceded Florida to the United States might as well be urged in this argument as the Constitu-

tion of the United States; for that treaty provides for the security of the people of Florida in the enjoyment of their religion, and personal liberty, and right of property. The Constitution of the United States provides that new States may be admitted into this Union; the treaty with Spain provides that the people of Florida shall, in due time, be admitted into this Union; but laws of the United States, providing for such admission, are necessary. Who has heard of a new State being admitted into this Union without laws of the United States providing for such admission? This "bill for the establishment of a Territorial government in Florida," provides that certain laws of the United States shall have full force and effect in Florida. The reasons urged for striking out the ninth section may, with equal propriety, be urged for striking out the eighth section of this bill, which provides that the said laws shall be in force and obtain in Florida, because the eighth section of the first article, and the third section of the fourth article of the Constitution of the United States give power to Congress to enact such laws. That the Constitution of the United States shall obtain and have full force and effect in a territory not included within the bounds and limits of the territories of the old thirteen States, or either of them, but which has been acquired by treaty from any foreign power since the adoption of that constitution, and that the inhabitants of such territory shall be entitled to all the rights, privileges, and immunities, sanctioned and confirmed by the constitution to citizens of the United States; it appears necessary and consistent with the Constitution of the United States, that the sovereign people shall, by the Congress of the United States, enact laws preparatory to, and declaratory of, the admission of such territory to a participation of the rights, &c., derived from the constitution, and afterwards to be admitted a State of this Union on the same footing as one of the original States; the people of such new State will then have their full representation in both Houses of Congress of the United States, and then the Constitution of the United States is in full operation in and over such new States as it is in one of the original States.

Religious liberty, the right to worship the Eternal, agreeably to the dictates of conscience, is the highest right a human being can possess. The treaties made by the United States with foreign powers, by which territory has been acquired, do guarantee religious liberty—the right to worship the Eternal, agreeably to the dictates of conscience, to the people of that acquired territory. The first article of amendment to the Constitution of the United States, declares that Congress shall make no law respecting an establishment of religion, or prohibiting the exercise thereof—the Constitution of the United States guarantees to each State a republican form of government; and the constitution of each State respectively guarantees

MARCH, 1823.]

Proceedings.

[H. OF R.]

to the citizens thereof the freedom of religious opinions, professions, or worship—and the citizens are protected in their liberty and property. The ninth section of this bill provides that the inhabitants of Florida shall be protected in their liberty, property, and the exercise of their religion; thereby confirming, by the sovereign powers of the United States, the rights which the Florida treaty reserved to them.

This ninth section, so far as it goes, may be considered as a constitution containing principles of a permanent nature; on which is bottomed, so far as this bill provides, the constitutional compact of the people of the United States with the people of Florida; this section declares to the inhabitants of Florida that they shall be protected in their liberty, property, and the exercise of their religion—and it notifies them that no law shall ever be valid, which shall impair, or in any way restrain them in the freedom of their religious opinions, professions, or worship.

In all ages, men who sincerely worshipped the Almighty, in any manner or form, have deemed the rights of conscience and the freedom of religious opinions most sacred; of this right they have been most tenacious, and have suffered persecution of every kind rather than surrender or give it up to the arbitrary will of others. The inhabitants of Florida are presumed to be tenacious of their religious opinions, as well as of their liberty and rights of property. They may have been informed that the Florida treaty provides that they shall possess these rights—they may understand that they are to be admitted as soon as possible into this Union, under the Constitution of the United States; let the ninth section of this bill be retained, and they will be expressly informed that the rights enumerated in this section are to them confirmed by the sovereign power of the United States.

The question was then taken upon striking out the 10th section, (of which Mr. MONTGOMERY's amendment was proposed to be inserted as a substitute,) and the motion was lost.*

* This prompt rejection of Mr. Montgomery's proposition, shows what the Congress of 1822 thought of the right of territories to the enjoyment of any part of the Constitution of the United States. The proposition was to extend, not the constitution generally, but the "principles" of it, in three enumerated cases, to the territory; and it was rejected upon the ground that the "principles" of the constitution required laws of Congress to put them into operation; and also upon the ground that the bill itself contained the three principles, (as all territorial bills did from the ordinance of 7 down to the present time.) The three principles were: protection to liberty, property, and religion; so that the only question between Mr. Montgomery's proposition and the clause already in the bill was, as to the tenure by which these rights should be held; whether under the Constitution of the United States, or under a law of Congress and the treaty of cession. And the decision was, that they should be held under the law and the treaty. Thus a direct issue was made between constitutional rights on one hand, and

Mr. WALKER then moved to amend the bill so as to authorize the people of Florida to elect their Legislative Council. The question was taken and lost—ayes 15.

Mr. COLDEN called for the reading of a memorial of certain citizens of the city of New York, praying for the suppression of slavery in Florida, and which had been referred to this committee; and the memorial was read.

The committee then rose and reported the bill as amended to the House, when the amendments were respectively concurred in.

Mr. HILL moved to amend the 7th line of the 5th section, by inserting after the word "law," the words "which is now in force or which shall hereafter be passed."

The amendment was opposed by Mr. McDURFILL, and negatived.

Mr. MONTGOMERY again submitted the substitute he had offered in the Committee of the Whole, which was again negatived.

No further amendment having been offered, the bill was ordered to be engrossed for a third reading to-morrow.

WEDNESDAY, MARCH 27.

The House took up and proceeded to consider the report of the Committee on the Judiciary, on the petition of the General Assembly of Alabama, for permission to tax certain lands; and the said report was again ordered to lie on the table.

Mr. WARFIELD submitted the following resolution:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of appropriating a sufficient sum of money to turnpike the post road leading from the city of Washington to Fredericktown, in the State of Maryland.

the discretion of Congress on the other, in the government of this territory, and decided promptly, and without debate (for there was no speech after that of Mr. Rhea on either side,) against the constitution. It was tantamount to the express declaration, "*You shall have these principles which are in the constitution; but not as a constitutional right, nor even as a grant under the constitution, but as a justice flowing from our discretion, and as an obligation imposed by the treaty which transferred you to our sovereignty.*" This is the language which this legislation speaks; and I defy any language to be more explicit—more to the point—or more authoritative.

The following is the tenth section of the bill, granting these rights to the territory, and other rights, constituting, in fact, its constitution:

"*Sec. 10. And be it further enacted, That to the end that the inhabitants may be protected in their liberty, property, and the exercise of their religion, no law shall ever be valid which shall impair, or in any way restrain, the freedom of religious opinions, professions, or worship. They shall be entitled to the benefit of the writ of habeas corpus. They shall be bailable, in all cases, except for capital offences, where the proof is evident or the presumption great. All fines shall be moderate and proportioned to the offence; and excessive bail shall not be required, nor cruel or unusual punishments inflicted. No ex post facto law, or law impairing the obligation of contracts, shall ever be passed; nor shall private property be taken for public uses, without just compensation.*"

H. OF R.]

Fugitive Slaves.

[MARCH, 1822.]

And the question being taken thereon, the resolution was negatived.

Mr. REID called for the consideration of a resolution submitted by him yesterday, for placing a glass ceiling under the dome of the Representative Hall, but the House refused to consider the same, ayes 52, noes 64.

Mr. REID submitted the following resolution :

Resolved, That the canvas lately covering the Hall, be replaced, under the direction of the Speaker.

But the House refused to consider the same.

Mr. COOK called for the consideration of the bill for the relief of James McFarland. The House agreed to consider the same, and concurred in the amendment reported by the Committee of the Whole. On the question of engrossing the bill for a third reading, it was opposed by Messrs. COOKE, ALEXANDER, and MCCOY, and supported by Messrs. COOK, STERLING, of New York, and MOORE, of Alabama; when, after a further amendment, at the suggestion of Mr. RANKIN, had been adopted, the said bill was ordered to be engrossed for a third reading.

A message was received from the Senate announcing the disagreement of that House to an amendment to the bill granting certain lots of lands in the city of New Orleans and town of Mobile, &c.; and, on motion of Mr. SERGEANT, the House receded from their amendment, and the bill was passed.

Col. Trumbull's Paintings.

The joint resolution submitted yesterday, by Mr. BLACKLEDGE, from the Committee on the Public Buildings, relative to the proper disposition of the paintings of Colonel Trumbull, was called up, and, by unanimous consent, the following substitute was received in lieu thereof :

Resolved, That a committee be appointed, consisting of three members, jointly with such committee as may be appointed by the Senate, to examine and report to the respective Houses the most eligible disposition to be made of the national paintings executed by Colonel Trumbull, under the authority of Congress.

The resolution was ordered to be laid on the table.

Government of Florida.

The bill from the Senate providing for the establishment of a territorial government in Florida, with the amendments adopted in this House, was then read a third time.

The question on the passage of the bill was then taken without debate, and carried without opposition. [The bill has to go back to the Senate for concurrence in the amendments.]

Fugitive Slaves.

The House then resolved itself into a Committee of the Whole on the bill to provide for delivering up persons held to labor or service

in any of the States or Territories, who shall escape to any other State or Territory.

No amendment having been proposed to the first section of the bill, the second was read, when

Mr. COLDEN moved to strike from the different parts thereof where they occurred, the words "or justice," so as to limit the exercise of the power contained in that section, to judges of a court of record. He contended that the great powers contemplated, ought not to be given to justices of the peace, who were, in rank, the most inferior officers to whom the administration of justice is confided.

Mr. WRIGHT replied, and observed that he had no great objection to this specific proposition; nor did he wish to extend the powers contemplated by the bill to justices of the peace, but contended that the word *justice*, in the bill, was used in its primitive sense. Mr. W. extended his remarks to considerable length, not only in respect to the amendment, but on the general principles of the bill, which he contended were in conformity to the constitution, which each member of the House was sworn to observe.

Mr. MOORE, of Virginia, observed that he felt a strong and peculiar interest in the passage of the bill. He thought he should be correct in saying that the district he represented sustained an annual loss of four or five thousand dollars by runaway slaves. The law of 1793 was inadequate to the object it proposed to effect; and he believed a bill of this sort was indispensably necessary, and urged a variety of reasons in favor of the principle of the bill.

Mr. COLDEN then withdrew, the amendment he had proposed, and moved to strike out the enacting clause to test the principle of the bill. He observed that no man would go further than he would to give effect to the constitution, which all agreed to denominate sacred. He was not one of those visionary philanthropists who would contend for immediate and universal emancipation. He was aware that such an attempt was impracticable, however greatly it was to be desired. As a primary consideration, it was first to be determined whether this bill contained any necessary and valuable provisions beyond those already existing, and under this view of the subject he examined with minuteness the present laws on the subject, and contrasted them with the provisions of the bill. He thought the latter were inconsistent with the principles of liberty, and had a direct and efficient agency to promote the traffic which had been carried on to a great extent of seizing free blacks and selling them for slaves. He contended that it was not competent to violate the principles of civil liberty merely because some districts had sustained injury, as had been expressed by the gentleman from Virginia, (Mr. MOORE.)

Mr. WRIGHT believed that the bill was sufficiently guarded for the protection of civil lib-

MARCH, 1822.]

South American Governments.

[H. OF R.]

erty—expressed his devotion to its cause, and to the principles of the constitution, and his wish that the gentleman from New York (Mr. COLDEX) would unite in guarding the bill from encroachments upon that instrument, if he feared it was about to be impaired. Mr. W. referred to cases that had occurred in Maryland and elsewhere, which called imperiously for the passage of the bill.

After some further remarks by Mr. NELSON, of Virginia, against the motion, and by Mr. CHAMBERS in support of it, Mr. WOODCOCK moved that the committee rise and report progress, which was agreed to, and leave was given to the committee to sit again.

THURSDAY, March 28.

Vaccination.

Mr. SERGEANT, from the Committee on the Judiciary, to whom was referred a resolution of this House, requiring that committee to inquire into the expediency of repealing or modifying the law of 1818, on the subject of vaccination, moved that the said committee be discharged from the further consideration thereof.

Mr. BURTON said that it was a matter of much more importance than those not immediately interested believed it to be. Ten of our fellow-creatures, he said, had lost their lives—and by whom? By the act of a man who styled himself the agent of the United States, and a law of the United States had placed it in his power to do this irreparable injury. If this subject was not to be inquired into, what would be the impression on the public mind? Would not the boasted protection of life, liberty, and property, be considered a solemn farce, if the lives of our fellow-citizens were to be taken, and passed over with the same indifference as if there had been so many cattle slaughtered? My object, said Mr. B., is to repeal the law, or place the institution on a more respectable footing, and make the agent in some way responsible, that the same accident may not again occur. He further said, he believed he could prove, to the satisfaction of any impartial mind, that the present agency was not only a nuisance, but a nuisance of the most dangerous kind.

Mr. B. then moved that the subject should be referred to a select committee.

Messrs. BURTON, HALL, WHIFFLE, HOLCOMBE, and DARLINGTON, were appointed said select committee.

South American Governments.

The House then resolved itself into a Committee of the Whole on the state of the Union, on the report of the Committee on Foreign Relations, recommending the recognition of the independence of the South American provinces, and proposing an appropriation to carry the same into effect.

The resolutions with which the report concludes are as follows:

Resolved, That the House of Representatives concur

in the opinion expressed by the President, in his Message of the 8th of March, 1822, that the American provinces of Spain, which have declared their independence, and are in the enjoyment of it, ought to be recognized by the United States as independent nations.

Resolved, That the Committee of Ways and Means be instructed to report a bill appropriating a sum, not exceeding one hundred thousand dollars, to enable the President of the United States to give due effect to such recognition.

Mr. TRIMBLE said, that as he had, some weeks past, offered a resolution requesting the President to acknowledge the independence of all the South American Governments, and as the proposition before the committee was in accordance with his feelings and his wishes, it might be expected here, as he was sure it would elsewhere, that he should say something on the occasion. When he offered the resolution referred to, it was his intention to discuss the subject freely and at large. He would have entered upon that discussion with much zeal he was sure, but, he feared, without much ability. Happily, the Message and documents had given a new face to the whole subject, and saved the people the unpleasant necessity of expressing an opinion against the course of policy which their fears had prepared them to expect. Had the President failed to recommend the recognition of those Governments, impartial history—if men may look dimly into futurity—would have torn from his temples the garland which a grateful country had placed there, as a reward for his public and revolutionary services. But he has not failed. Faithful to the principles which gave birth to our own revolution, and regardless of the voice and wishes of his country, he has recommended an acknowledgment of all the nations of America. It was a Message of good tidings to twenty millions of freemen. It fills up the measure of his fame, and now he may go down to the grave, with his patriot compeers, ripe in age, and full of honor and renown.

Mr. T. congratulated the President and the country, and the friends of freedom every where, upon the great political event just struggling into birth. The friends of America, he said, are not called upon now, as formerly, to show that its Governments are independent. The President affirms the fact, and none will question his veracity. The letters of Mr. Torres prove all that is material to know, and the Message admits his statements to be true. They are known to be so by all Europe and America. Those letters, said Mr. T., do honor to the heart and head that wrote them. They equal in merit the finest State papers of the age. Colombia may claim the writer and the facts as hers, but the papers are the property of nations. Free governments will preserve them as invaluable treasures. Such a man is an ornament to his country, as his country is an ornament to others. Every thing, he said, from that Republic fills us with admiration. The valor of its armies—the patriotism of the people—their devotion to the cause

of independence, entitle them to our profound regard. But, above all, their constitution, similar in all its important features to our own, is most flattering to our pride, and most consoling to our hopes. We have the best authority for believing that Buenos Ayres, Chili, and Peru, are advancing in the science of self-government; and, although we know but little of the internal affairs of Mexico, yet what we do know gives assurances that it also has a Bolivar. Much, it would seem, is in the power of Iturbide. Let us hope that he will not sacrifice his country on the altar of ambition, and that Mexico, like Colombia, will have its Washington.

He did not intend, he said, to trouble the committee with a history of the rise and progress of the Revolution; nor to array before them the great events which had conducted the Spanish colonies to independence. He would omit a summary of sieges; "of battles lost and won;" of invading armies, and the means and measures taken to conquer or expel them; nor would he digress into statistical estimates or geographical details, especially as all these were better known to a member near him, (Mr. POINSETT,) who, he hoped, would assist the committee with his information; and also to the gentleman from Virginia, (Mr. NELSON,) both of whom, he was sure, would be listened to with much pleasure by the House.

One fact, said Mr. T., is clear: *All the Spanish nations of America are free.* They have all thrown off the yoke of Spain, "holding her as they do the rest of mankind, enemies in war, in peace friends." Each has declared itself independent, and all enjoy the rights of self-government, under the guarantee of written constitutions, adopted or preparing for adoption. Hitherto we have maintained a strict neutrality between the two Spains. We shall do the same in future, but there is a period beyond which nations cannot safely refuse to acknowledge the independence of each other. No statesman has asserted, or will assert, unless he intends to invite the execrations of his country, that we ought always to refuse a recognition. All agree that we must, at some time or other, act upon the subject. The President informs us that the time has come, and there ought to be but one opinion about the manner of making the acknowledgment. The respect which free Governments owe to themselves, and to each other, ought to decide the question. It was the known usage, he said, among crowned heads, to send ambassadors of the highest rank to each other, and ministers of the lowest grades to republics; and for that very reason, republics ought to send ambassadors of the highest rank to each other, and ministers of the lowest grade to crowned heads. This ought to be decisive, in extraordinary cases like the present. He would not advance an opinion as to the number of ministers that ought to be sent out, but he felt himself bound to say, in justice to the country, that ambassadors extraordinary ought to be sent to Colombia and Mexico; and

if ever the best talent in the nation ought to be selected for a mission, this was surely the occasion. If a free people ought at any period to appear in all their weight of character and talent, arrayed in all the pride of plain republican simplicity, this was the time. He was much mistaken if the country would tolerate any selection, made from among citizens of second rate capacity.

Mr. T. said the nations of America had suffered more from the severity of commercial interdictions and colonial monopoly, than they had from the cruelty of arbitrary power—that commercial vassalage had been more oppressive to them than political dependence; and that they are as deeply interested in the establishment of free trade as they are of free government—that the radical change made in their political condition would necessarily be attended with a corresponding change in their commercial intercourse and maritime relations—that their case, in all its aspects, was similar to that of the United States, and would terminate in similar results—that the entire emancipation of the new from the old continent could only be effected by two great revolutions: the one political, the other commercial—that both had commenced in the United States under the most favorable auspices, and were progressing southward in the "full tide of successful experiment"—that these revolutions had been preceded by a "wide-spread range" of moral reformation—that the new hemisphere had produced a new catalogue of civil maxims—a new family of political institutions—a new code of commercial regulations—that all civilized nations were under the dominion of two great social systems, differing widely from each other—that one was established in the *Occidental*, the other in the *Oriental* world—that the spirit of the age was against the European system—that the American system had invaded Europe, and spread alarm and consternation everywhere among its kings and emperors—that a coalition of crowned heads was created to oppose it, and two millions of armed men embodied to expel it from that continent. And what, said he, are these systems? What is the American system? Why is it that it agitates two worlds? Why should kings shudder at it, while their subjects bid it welcome? Of what is it composed? What is the element that thus, when unresisted, operates unseen, but, when opposed, launches its thunderbolts at diadems, and shakes the nations like an earthquake? It has two aspects, two essential principles—one political, the other commercial. The first is known and distinguished by written constitutions, representative government, religious toleration, freedom of opinion, of speech, and of the press. The second, by sailors' rights, free trade, and freedom of the seas. Contrast it with the European system. The political character of that system is aristocracy, monarchy, imperial government, arbitrary power, passive obedience, and unconditional submission. Its commercial

MARCH, 1832.]

South American Governments.

[H. OF R.]

character is prohibition, restriction, interdiction, impressment, colonial monopoly, and maritime domination. These systems, said he, are the antipodes of each other. They are sworn enemies, and cannot harmonize.

The American system is free government and free trade; monarchy and monopoly is that of Europe. But the European system is artificial, and will perish with the spurious causes that produced it. The American system is natural, and, therefore, durable—natural, because it springs from public opinion—from the embodied will of nations acting freely for themselves; durable, because it reposes upon written constitutions. Its first appearance struck the despots with dismay. Our Revolution gave it birth. Its nativity was cast among these States. It grows with their growth, and strengthens with their strength. The impulse of the age accelerates its motion. Nothing can impede its march, because it moves in the majesty of national opinion, and public opinion is a power that cannot be resisted. From every zone we hear of Congresses, elected by the people, assembled and assembling to establish written constitutions. The system spreads like light—its rays fall everywhere. The nations hail it as the harbinger of peace and happiness. They act wisely in laboring to adopt it, seeing that the people of this Union have prospered under it beyond all former parallel. He said that the tendency of the American system was manifest to every statesman. That its political progress and extension could be seen by every observer, and time would develop its maritime results. A single instance would explain its commercial operation. The continent is free; not so, the islands. Europe, as to them, will continue its system of colonial monopoly—its system of interdictions, prohibitions, and restrictions. These will act and re-act upon all the Americas, but more especially upon Colombia, Mexico, and the United States. Those powers will retaliate, and unite in their retaliation. The common injury will find a common remedy. They will adopt the counter-check of navigation laws, and, by simultaneously protecting regulations, exclude all foreign tonnage from their ports and harbors. A blow like that, he said, would be decisive. It would forever prostrate the colonial system, and open a free trade to all the islands. The measure, when adopted, would finish the commercial revolution. It would subvert the whole system of maritime domination, and restore the freedom of the seas. And thus the Americas, by the reaction of internal laws and regulations, well concerted and well directed, may enforce their system of free trade. Thus, without the waste of blood or treasure, they may sustain the general system, and vindicate the rights and honor of the continent. Hitherto, he said, the American system of free trade had been struggling, single-handed, with the European system of colonial monopoly, and had maintained itself against the fearful odds. Hereafter, all the Americas

will co-operate. The subject ought to have their prompt attention. It required a careful examination, because the course of policy to be adopted by them would settle, finally and forever, whether the American system shall prevail, or that of Europe triumph over it.

Mr. T. was anxious to show, for various reasons, that the great interests of the West India Islands were in unison with the interests of the continent, and for that purpose went at some length into an explanation of their present condition, and their future prospects. It was his opinion that they would soon throw off the yoke of Europe, and declare their independence. Perhaps they would form a league, and Cuba, in that event, would be the head. Perhaps they would claim a guarantee, and become dependencies of the American nations. In any event, he said, they would adopt the American system, because their interests are all American, and their moral feelings and social habits are acclimating themselves, and every day becoming anti-European.

If, said he, we consider this subject in reference to ourselves, and our relations, foreign and domestic, we shall find no solid reasons for delay. If we consult the great political and commercial interests of the Americas, we shall find inducements to hasten the acknowledgment. It is agreed, he said, that those nations are able to maintain their independence. That their means of defence are superior to any armament with which the mother country can assail them. That they exercise all the various powers of self-government, legislative, executive, and judicial; the powers of peace and war; of protection and defence. That they make and administer domestic laws, and regulate all intercourse with foreign nations, and enforce these regulations. In this situation we must either recognize them as free and independent, or put them in abeyance, by a denial of their rights, and thereby incur all the injuries which might justly be inflicted on our commerce with them. No nation has a right to ask another to do itself a voluntary injury—the laws of neutrality do not involve such dangerous and onerous consequences—Governments, like men, owe duties to each other, and a failure to perform them is often punished by national compunction, and forfeiture of reputation. The first duty of one people to another is to declare who shall be respected as members of the great family of nations—the power and the right to do so, exists in every government, no matter what may be its form. There is no other mode, save that of military force, by which the peace and harmony of nations can be kept in preservation. And shall the people of this continent forego the advantages of free and friendly intercourse, to indulge the mother country in her love of dominion? Shall we, as a nation, stifle all our sympathies in favor of free governments, to gratify the vain-glorious pride of Spain? If we do, we shall betray the rights and interests of republics. Heaven, in giving

freedom to us first, made it our primal eldest duty to go forth first, and acknowledge it in others. Honor and duty call alike upon us to perform the rightful obligation. The same Providence that gave us succor in the perils of our Revolutionary struggle, is conducting the other nations of America, through bloody wars, to peace and independence. Our approbation may inspire them with fresh confidence, and stimulate their love of liberty. If there are any who have fears that the proposed acknowledgment will produce a war with Spain, let them remember that Cuba is a hostage for her peace. The moment she fires a gun at us, we shall occupy that island, and her dominion over it will cease forever. And England, in aiding Spain, would only hasten the downfall of her favorite colonial system—a coalition between Colombia, Mexico, and the United States, would convince her of her folly. It would be better for us if our statesmen would look less eastward, and more southward than they do at present.

Some statesmen hold, he said, that nations, whose political principles and opinions have been formed in the school of despotism, must undergo long periods of probationary preparation, before they can be qualified to manage the affairs of self-government. This is but a modification of the exploded maxim, "that the people know not how to govern,"—that kings must save them from their worst enemies, themselves. Such opinions, if true, form no argument against the policy or justice of acknowledging the nations of America. If true, in former ages, and on the old continent, they are more than doubtful in modern times, and in the new hemisphere. The fact is, that the present and past ages are alike in nothing. The whole civilized world is under the dominion of a different mind. Men and nations are shaking off their mental imbecilities, and preparing themselves to regulate their own affairs. It was necessary that moral regeneration should precede political reform; and thus it has happened. A great moral revolution has occurred, and is occurring. The spirit of the age is busy—reformation is everywhere at work, and upon all subjects. We see the beginning, not the end of revolutions. No statesman, no nation, should mistake the character and fashion of the times. Every thing, in fifty years, has changed, and every thing is changing. "Nothing of the future will resemble what is past." We live in the crisis of all ages. The whole civilized world is laboring in a crisis—a great moral crisis—a great political crisis—a great commercial crisis. Nations have changed their moral characters, and political opinions and Governments must change their form and purpose. Formerly, the sword was umpire of the world; and then the maxim grew, that nations were incapable of self-command. Now, public opinion is the great chancellor of nations. All tongues and kindreds own its jurisdiction, and kings and subjects are submissive to its rule; none

dare oppose its high authority—none with impunity resist its just decrees. Wars were fought formerly, for families, and dynasties; for the rights of thrones, and prerogatives of crowns; and then, the people were assuredly their own worst enemies. Now, men fight for written constitutions; for the rights of man and prerogatives of nations; and fighting, learn to govern for themselves. The contest now is not between dynasties and diadema, but between creeds, and principles, and institutions. Nations formerly had no volition; kings thought and acted for them, rudely pretending that their subjects had no capacity for affairs of State. But now, the will of nations has supremacy of rank, and speaks by delegation in assembled Congresses; and now, we find more talent—more patriotic feeling—more public virtue—more every thing, that strengthens and improves the social system. Time was, when kings held power by arrogation, and used it at their pleasure and discretion; and then the people were denounced as "a many-headed monster." The people now reclaim all power as inherent in themselves, and delegate it only as a trust; and now nations are more peaceful, more prosperous, more happy, and more just, than formerly. History speaks only of alliances, or wars, between contemporary despots—now, nothing is talked of but Congresses, and Constitutions, and Representative Governments; and do we find things changing for the worse! The spirit of the age is, peace and moderation. It is the spirit of free government and written constitutions. Its conservative principles are—wide-spread knowledge, equality of rights, freedom of opinion, and frequent and free elections. The spirit of past ages was war and domination. The trade of man, of all the sons of men, was war—from the first conqueror down to '76. It was the storm of empires. It raged unspent and unabated. It swept along the field of time, and all was desolation that was left. It had no limits but the margin of the world. Its stream of blood flowed on from age to age; its sources, like the Nile, unknown, lost in the desert of forgotten years; but still, the stream rolled on, increasing with a thousand tributary torrents, and spreading far and wide its overwhelming floods. Such was the history, he said, of past times, and of the olden world. Our continent, on the contrary, is the chosen land of liberty—vineyard of the God of peace; and we, its husbandmen, selected by the unseen will of Providence to till the soil, and feed the famished nations with the food of independence. Let us perform the sacred trust impartially. It is our duty, as a free people, not to sanction, but refute the heresies that nations are incapable of managing their own concerns. They have disabused themselves by illustrious examples, and we should be careful not to weaken their effect.

It was the will of Providence, he said, that this continent should be the arena of successive revolutions—of moral, and political, and com-

MARCH, 1822.]

South American Governments.

[H. OF R.]

mercial revolutions—the theatre of man's political regeneration—the hemisphere in which nations should be reinstated in their rights, and reinvested of their “long-lost liberty.” On the 4th of July, 1776, the Congress of the thirteen States declared their independence. On this day, (28th March, 1822,) the assembled Congress of the Union will announce the independence of all the nations of America. These are glorious epochs. Let history commemorate them as co-essential in the works of reformation. Freemen are this day called upon to fraternize with freemen; nations to fraternize with nations. All the Americas are summoned to embrace as friends and equals, and make a lasting covenant of peace. It is not the flight of a false prophet, or the foundation of a city; the birthday of a petty chieftain, or an heir-apparent, that we are assembled here to celebrate. No; a continent has disenchained itself, and stands unfettered and erect. It is the birthday of a hemisphere redeemed. It is the jubilee of nations. Let the world rejoice.

If experience and long-suffering can create the faculties of self-government, then the people of America are prepared to manage and control their own affairs. For three long centuries they “clanked the chains” of lawless power; for three long lingering ages they felt the “keen lash” and galling yoke of despotism—each generation leaving its manacles to posterity as their only heritage. Continued agonies had worn away the memory of better times. The light of hope had left the Children of the Sun, and dark despair, like soporific drugs, had stupefied the powers of will and faculties of life. They slept to mitigate their pain; for nations sleep and never die. But the day of their deliverance was at hand. The Spirit of God was abroad in the sky. It called, and the slumbering nations awoke. It breathed the electric fire of freedom on the air, and a whole continent ran simultaneously to arms! One great, one godlike purpose animated all—it was death or independence! Like us, they pledged their lives, their fortunes, and their sacred honor, to live as freemen, or die in its defence. They fought from field to field. A thousand battles left the cause in doubt; a thousand passions mingled in the fray; and all that history has told of savage cruelty, ferocious vengeance, rapine, plunder, treachery, cold-blooded massacre, and every violence and every crime that shocks humanity, was perpetrated over and over again upon all ages, sexes, and conditions. But the God of Battles fought on freedom's side, and, sickening at the scene of carnage and of desolation, and hastening to end it, he took a *Bolívar* and consecrated him a *Washington*, and putting in his hand a flaming sword, commanded him to go forth to the uttermost ends of the continent, conquering and to conquer, until oppression should surcease, and man learn tyranny no more. And behold the work is finished, and Colombia is free, and all the Americas are free—free as ourselves; for there

all power is acknowledged in the people, and vassalage abolished and unknown; for there all officers are elective, and held by the tenure of the law and the constitution; for there, free in their property, their persons, and religion—

“They own no Lord but him in heaven,
No power but what consent has given.”

Mr. POINSETT addressed the chair as follows:

I shall offer, said Mr. P., no apology to the committee for addressing them on this occasion. I have resided so long in the countries we are now called upon to place in the rank of nations—am so intimately acquainted with the causes and character of the revolution they have undergone, that I feel it to be my duty to convey to the committee, as briefly as I can, the information I possess on this subject.

Sir, if ever there was an occasion that justified a revolution, that called upon a people to recur to first principles, and to seek relief from the abuse of power by an appeal to arms, this was one. The revolution of the Spanish colonies did not arise from a mere question of abstract right, but from actual suffering and grievous oppression; from causes radical and certain, though gradual in their operations; causes that would have inevitably produced the revolution without the violent crisis to which the mother country was exposed, and which only accelerated that event. It was felt in their Government, in the administration of justice, in their agriculture, in their commerce, and in their pursuits of happiness. Governed by viceroys responsible in name, but, in fact, as arbitrary as the King of Spain himself, who commanded not only the military governors and intendants of provinces, but presided over the tribunals of justice, and let any one imagine what government the miserable colonist must have enjoyed under European Spaniards vested with such powers, and who had nothing to dread but an examination of their conduct before a tribunal, two thousand leagues from the theatre of their injustice. The colonist could not even enjoy the natural advantages by which he was surrounded.

The eyes of a jealous and suspicious Government constantly watched the progress of his industry. No sooner did a settlement betray symptoms of prosperity, than it became the subject of oppressive legislation, and was overwhelmed by a swarm of officers, who, like locusts, destroyed the fair prospects of the harvest. The trade was not only confined to certain specified articles, but to a few favored towns. Rich as these favored regions are, and capable of bringing forth the productions of every climate, possessing great facilities of internal and of foreign commerce, they were reduced to indolence and penury by absurd and oppressive restrictions on their industry, on their trade, and on their private enjoyments. Without a market for their produce, it rotted on the ground. I have seen the most fertile districts of that fine country barren and deso-

late—I have seen the inhabitants, surrounded by all the bounties of nature, destitute of the ordinary comforts of civilized society. To those who have followed the progress of this revolution, and compared it with our own, the difference must appear striking, and from the civil dissensions that have agitated those countries, it has been argued by some that the Spanish Creoles were incapable of enjoying the blessings of liberty—were unfit for self-government. In making this comparison between the two countries, it ought never to be forgotten that our civil and political institutions, our habits, our customs, our laws, our rights of property, scarcely suffered any alteration by the transition from a colonial to an independent state. The principles of free government, republican principles, had deep root in this country before our Revolution; and if they have grown with our growth, and strengthened with our strength, they were as well understood then as now. The Spanish colonies had never been intrusted, as we had, with any part of the internal administration, and were ignorant and unpractised in government. The means of education, I mean of a liberal and enlightened education, were withheld from the Creole; printing presses were to be found only in a few of the larger cities, where, under a rigid inspection, a gazette and an almanac were permitted to be published. The policy of Spain repressed the advancement of knowledge in her colonies—ignorance and superstition were the powerful means employed to keep them in subjection. The despot is aware that those who possess knowledge will struggle for freedom, and will achieve it; for knowledge is power. Dread of religious toleration, and of what was worse, of spoliation, excited the clergy to oppose the revolution. The influence they exercised over the minds of the people was unbounded; and, had not a few virtuous, well-enlightened priests espoused the cause of liberty, the colonies would still have been dependent. The aristocracy formed another and a powerful obstacle to the progress of this revolution—a class that abhor every constitution founded on an equality of rights—a class that would rather be deprived of those rights, than see all participate in them; that prefer any state of suffering, rather than see power exercised by their inferiors. I speak now of the mass of the titled men in the colonies. Some few were distinguished for their zeal in the cause of independence.

Another and very essential difference between the two countries, consisted in the number of Europeans, who had distinct privileges from the Creoles, for oppression did not there fall equally on all. They were, to be sure, the smaller party, but the wealth and power they possessed, their union, their influence, the habitual respect in which they were held, their ideas of their own superiority, rendered them a very formidable body. They were aware that their proud pretensions had roused against them a feeling of indignation; that the oppres-

sive measures they had promoted against the interests of the land, had produced hatred and an eager thirst for revenge; and common interest and common danger united them against the Creoles. They could not suppress the revolution, but they retarded its progress, and procrastinated the contest. If, therefore, we regard the little advancement of these countries, their ignorance of the principles of government, their civil dissensions, and the procrastinated struggle for liberty after all opposition had ceased on the part of Spain, it impresses us more strongly with the urgent necessity that existed of shaking off the colonial Government. It was the Government that placed obstructions in the way of agriculture and commerce. It was the Government, that, forgetful of its primary obligations, suffered, nay, encouraged the daily violation of the rights and properties of its subjects. It was the Government, in short, that sought to keep the people in the profoundest ignorance, as the means of keeping them in subjection. A revolution proceeding from such causes, was not to be prevented by empty declarations of abstract rights, such as were made by the mother country when struggling for her own existence. The decrees of the different Governments established in Spain during that period, were magnificent in promise. The colonies were told they had the same rights as the mother country, but were treated as if they had none. They were deluded with hopes that were never realized, and were mocked with the semblance of a representation. Deputies assigned them, not elected by them. At no time was there more peculation, violence, and oppression, than during the interval between the invasion of Spain and the insurrection of the colonies. These causes operated alike on all, and the revolution commenced without previous concert, almost at the same moment in every part of this vast continent. It has triumphed not only over the opposition of the mother country, but over civil dissensions, and the storms of party. In Caraccas, where the revolution first commenced, its success was retarded by one of the most awful events recorded in history. The city was almost entirely destroyed by an earthquake, on the anniversary of their revolutionary movement. The clergy availed themselves of this event, and, assisted by the superstition of the people, re-established, for a short time, the royal authority. The brave and patriotic Bolivar kept up the spirit of the revolution. His active exertions renewed the struggle for liberty; and his zeal and perseverance restored his country to freedom. By his conduct and valor, the most formidable armament ever sent across the Atlantic, has been destroyed. His efforts have united Caraccas and New Granada, into one Republic, and he has spread the principles of independence and of free government to the shores of the Pacific.

Buenos Ayres has triumphed over the repeated and formidable efforts of the mother

MARCH, 1822.]

South American Governments.

[H. OF R.]

country to subdue them. They have had, besides, to contend against a powerful party of royalists in the interior provinces. The wealthy Creoles of that country could not be easily roused to take an active part in a contest, the issue of which was uncertain. No doubt they preferred a national government, and freedom of commerce, but that was not strong enough to vanquish their love of repose and indolent habits; to urge them, in short, to long and painful sacrifices. The royalists are still in possession of some of the finest provinces of La Plata. The interior provinces of the viceroyalty of Lima are still in the hands of the royalists; were, I should have said, for it is reasonable to expect that the example of the capital will be followed by the provinces. Chili, agitated for some time by civil dissensions, and overrun by the army of the royalists, has at length established tranquillity at home; and not only driven out the invaders, but carried the war successfully into their stronghold. The revolution in Lima is due to the efforts of this brave people. Mexico, where the revolution commenced at an early period, and where, after a desperate struggle, it appeared to be quelled, is now independent. The spirit of the revolution continued to exist among the people. Hidalgo, and the gallant men who fell in the first revolutionary movement, did not perish in vain.

To prove the utter inability of Spain to recover possession of these countries, it is only necessary to take a view of their vast extent, of their population and resources, and to compare them with those of Spain, agitated as she now is, by intestine commotions, and, for many years past, regarded as the country of Europe the most destitute of industry, of commerce, and of enterprise. The mere recital of the names which distinguish the Spanish colonies in America, extending over 79 degrees of latitude, with a space of at least 1,900 leagues, interposed between its most distant settlements; the vast extent of their mountains, their magnificent rivers, the varied productions of the soil, the riches of their mines, impress us at once with the magnitude of their resources. Buenos Ayres, comprising the finest provinces of Peru, the rich mines of Potosi, and the fertile province of Cochabamba, with a population of one million and a half; coining annually upwards of five millions of dollars, exporting ten millions, and importing about the same amount. Chili, the garden of the world, possessing the most fertile soil, productive of all the fruits of Europe and of the tropics, equally rich in the precious and in the useful metals, with a population of more than one million, coining three millions of dollars annually, exporting four millions, and importing more than three millions. Lima, I mean the viceroyalty of Lima, including Cusco, the ancient capital of the Incas, with a population of 1,200,000 souls, coining annually five millions of dollars, importing ten millions, and exporting thirteen millions. New Granada, containing not less than two millions

of inhabitants, with a trade of more than six millions of imports, coining annually three millions of dollars. Caraccas, with a million of inhabitants, and about the same resources as New Granada. These two countries have since been united under one Government, the Republic of Colombia. Guatemala, the country which comprises Costa Rica and Nicaragua, and bounds on New Granada, a fertile and well-cultivated country, containing one million and a half of souls. New Spain, or Mexico, contained, in 1808, a population of five millions nine hundred thousand, a population not likely to have been diminished since that period. Coining at that time twenty-three millions of dollars annually, importing twenty millions, and exporting between twenty and thirty millions. The detached governments contained nearly a million of inhabitants, making an aggregate of fifteen millions.

I will not detain the committee by going into an examination of the resources of each particular State. It will be sufficient for my purposes to particularize those of Mexico. The whole annual agricultural product of Mexico was estimated at twenty-nine millions of dollars; the annual product of the precious metals at twenty-three millions; the annual product of the manufactures at eight millions; the exports at twenty-two millions; the imports at twenty millions; the revenue of Mexico, for customs and taxes, amounted to not less than twenty millions.

If, says Baron Humboldt, the political strength of a nation depended only upon the extent of country and number of inhabitants, New Spain might rank with the United States. Such was the state of these countries under all the disadvantages of the colonial system, for I have purposely taken the statement previous to the revolution. Thus we see that the total population of the Spanish colonies exceeded fifteen millions; the imports were never less than sixty millions, and the exports seventy.

The estimated population of those countries is more likely to fall short of the truth, than to exceed it. The census was taken for the purposes of taxation, which induced the inhabitants to conceal their real numbers. And here let me remark, that this population is more effective, and the proportion of whites greater than has been generally supposed. The most favorable statement ever published of the population of Spain, previous to the late wars, made it amount to 10,409,879. A population much thinned by wars, and pestilence, and famine, within the last ten years. The exports of Spain amounted to about sixteen millions of dollars, and the imports to between fourteen and fifteen millions. Let me ask, then, whether it is probable that Spain, with not quite two-thirds the population, with inferior resources at all times, and those much diminished by this defection, can reconquer countries at a distance, some of them of two thousand leagues, and none less than one thousand? The

history of Spain herself is an answer to this question. With a courage and energy that a determination to be free alone could give, Spain repelled the hosts of France that invaded her territory; weak in numbers and resources when compared to France, they successfully resisted the utmost efforts of that power to subdue them. One word, sir, on this subject. It is too much our custom to speak contemptuously of this brave and high-minded people; they were long bowed down by an iron despotism. But other days have dawned on that fair country; after resisting, with unexampled resolution, foreign usurpation, they have resolved to be free. Their sufferings from the vices and defects of long servitude, ought to excite our sympathies, and their efforts to establish free and liberal institutions, entitle them to our respect.

It has been supposed by some, that the independence of these colonies would injure the prosperity of the United States; possessing a more fertile soil, and raising the same productions, they would drive us from the markets of Europe. It has been said that colonies are safer neighbors than free States, and that so long as they were bound down by the oppressive restrictions of Spain, they would neither be dangerous rivals nor formidable competitors. It is unwise, therefore, in us to offer them any encouragement. Not only the best feelings of the heart revolt at such a conclusion, but it is manifestly false; it is our interest that they should be free. With an extensive line of coast, with numerous navigable rivers, facilitating their internal trade, with a population of more than fifteen millions, almost without manufactures, with a demand for one hundred millions of dollars, and without the means of carrying on their foreign commerce, these countries present a market for the skill and industry of our merchants, which promises the greatest advantages. Let any one look back and observe how the demand has everywhere increased with the increasing produce.

The wars and revolutions which have lately afflicted Europe, are known now only by their beneficial effects. Effects to be seen in the amelioration and extension of their agriculture, in the increase of their towns and villages, in the augmentation of manufactures, in the benefits of education, the desire of freedom, and in the general welfare and prosperity of the country. It is impossible to pass through any part of Europe, at present, without being struck with the improved condition of the people. An improvement which, as it advances, will augment the demand for all the productions of the West. The intercourse of the provinces of Spanish America with these countries, will augment their means of information, and will enlighten them on the subject of government, on public welfare and private happiness. With the increase of knowledge, will arise free and well-organized institutions, the refinements and various wants of civilization. This cannot fail

to produce a demand for all the manufactures of this country, and for all the objects of trade. I had intended to have entered fully into the importance of our political relations with these countries. I fear, however, that I should exhaust the patience of the committee, were I to attempt it; and I feel that I should exhaust my own strength. I am compelled, therefore, however reluctantly, to waive this part of the subject. The question for the consideration of the committee is, whether we shall now adopt a measure called for by every motive of feeling and of policy, at a moment when it may give us weight and influence in those countries; a measure by which we shall at once assume the station that becomes our character, among the great republics of this hemisphere; or whether we shall wait the slow and unwilling consent of Spain, or the uncertain policy of the other powers of Europe.

The latter have refused to co-operate with us. It does not accord with their avowed principles to countenance any resistance against the abuse of power, however flagrant and unjust. In all ages, Spain has been slow to acknowledge the independence of those countries which have been driven to rebellion by her oppression. It is not probable that she will pursue a different policy with regard to her colonies in America. In this particular, and in this alone, I differ from the report now under consideration. It proves incontestably the right and the expediency of adopting the measure recommended by these resolutions. It is a clear and convincing argument, highly honorable to the committee, and, as I entertain great deference for their opinion, it is with reluctance I differ with them in this particular. The committee think it manifest, from the report of the Committee of the Cortes, "that Spain had not only renounced the feelings of an enemy towards the colonies, but had been prepared, a year ago, to consent to their independence, but for *particular occurrences*." They are led to this conclusion from the terms in which the committee speak of "the measure demanded by the crisis, as one indicative of a new and glorious resolution; that it was demanded by America and by the true interests of the Peninsula; that, from it Spain might reap advantages, which otherwise she could never expect; and that the ties of kindred and the uniformity of religion, with commercial relations and those emanating from free institutions, would be the surest pledge of mutual harmony and close union."

I agree with the committee, "that no measure short of a full recognition of unconditional independence, could have deserved the character nor been capable of producing the effects ascribed to it." But, sir, what say the documents on your table? The American deputies, disappointed in their expectations, presented propositions, in substance, Mr. Brent tells us, the same as those that at first met the approbation of ministers, and which would have been adopted, but for particular occurrences. These pro-

MARCH, 1822.]

South American Governments.

[H. OF R.]

positions contain no demand for an acknowledgment of independence; but merely for permission to establish an internal administration, dependent upon the mother country, freedom of commerce and equal rights with European Spaniards. This was, in substance, the measure first proposed by the committee of Cortes, and which was subsequently rejected by the king, "as a violation of the constitution; that public opinion was not prepared for it, that it was against the interests of Spain and of America." Something less favorable must be intended by the king, when he says "his Government, urged by the Cortes, to propose the measures they may think most proper for their welfare, or a consideration of the state of these countries, they will do so immediately, and with the utmost generosity." No, sir. The recognition of the independence of the Spanish colonies would be opposed both by the interests and by the prejudices of the Spanish nation. Independently of the revenue derived by the Crown from those countries—a revenue of more than eight millions of dollars—the patronage they afforded was immense. Places in Spanish America were the reward of services and the means of corruption. The aristocracy, who profited by those places, and who regarded them as the means of maintaining their splendid establishments in Europe, will abandon, with reluctance, the prospect of wealth America presented. The clergy will exert their influence to prevent it. America was to them a source of ambition and of profit. The possession of America extended their spiritual dominion and augmented their temporal wealth. The merchants, who, by a code of laws framed in the spirit of restriction and oppression, monopolized the trade of the colonies, will oppose their recognition; and the people generally will not consent to relinquish, without a desperate struggle, the dominion over the colonies, connected, as it is, with their most pleasing recollections of national honor and glory.

It is in vain to say that they are really independent. The Spaniards will not abandon all hope of recovering possession of them until they are recognized by the powers of Europe. It is well known that there are many of the former inhabitants of St. Domingo, now in France, who still cherish the hope of being restored to their estates in that island.

These motives will operate powerfully upon the Spanish nation, and, it is to be feared, will not only prevent their recognition of the independence of these countries, but lead them to view this measure, on our part, as an unfriendly, perhaps as a hostile act. They certainly have no right to do so according to the laws and usages of nations. But the resentment of wounded pride is not always restrained by considerations of national law.

But, sir, this risk, even if it were less remote, ought not to deter us from adopting the resolutions on your table. It is a measure called for both by justice and policy. The conduct

of the Government, in relation to this contest, has given the best evidence of our respect for the rights of Spain. "So long as that nation made an effort to recover her dominion over her colonies, the United States abstained from recognizing their independence. But now, when all opposition has ceased on the part of Spain; now that those countries are free from the intestine commotions which divided them into factions, and rendered it difficult to distinguish which was the legitimate government, it would be unjust to withhold it.

I hope, therefore, the committee will adopt the resolutions now under consideration. It is due to the rights of the free and independent Governments that expect it at our hands, and due to our own character and station.

After some further conversation, in which Messrs. WOOD, WRIGHT, RHEA, TUCKER, and H. NELSON, bore part, Mr. TUCKER varied his motion so as to make the resolve read, "the late American provinces of Spain;" which amendment was agreed to.

The question was then taken by yeas and nays, on agreeing to the said first resolution; and the yeas and nays thereupon stood—yeas 167, nays 1, as follows:

YEAS.—Messrs. Alexander, Allen of Massachusetts, Allen of Tennessee, Archer, Baldwin, Ball, Barber of Connecticut, Barber of Ohio, Bassett, Baylies, Bayly, Bigelow, Blackledge, Blair, Borland, Breckenridge, Brown, Buchanan, Burrows, Burton, Butler, Cambreleng, Campbell of New York, Campbell of Ohio, Cannon, Cassedy, Chambers, Cocke, Colden, Condict, Conkling, Conner, Cook, Crafts, Cushman, Cuthbert, Dane, Darlington, Denison, Dickinson, Durfee, Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Eustis, Farrelly, Findlay, Fuller, Gebhard, Gilmer, Gist, Gross, Hall, Harvey, Hawks, Hemphill, Hendricks, Herrick, Hill, Hobart, Holcombe, Hooks, Jackson, F. Johnson, J. T. Johnson, J. S. Johnston, Jones of Tennessee, Kent, Keyes, Kirkland, Lathrop, Leftwich, Lincoln, Litchfield, Little, Long, Lowndes, McCarty, McCoy, McDuffie, McLane, McNeil, MoSherry, Mallary, Matlack, Matson, Mattocks, Mercer, Metcalfe, Milnor, Mitchell of Pennsylvania, Moore of Pennsylvania, Moore of Virginia, Moore of Alabama, Morgan, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, New, Overstreet, Patterson of New York, Patterson of Pennsylvania, Phillips, Pierson, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Rankin, Reed of Massachusetts, Reid of Georgia, Rhea, Rich, Rogers, Ross, Ruggles, Russ, Russell, Sanders, Sawyer, Scott, Sergeant, Sloan, S. Smith, Arthur Smith, W. Smith, Alexander Smyth, J. S. Smith, Spencer, Sterling of Connecticut, Sterling of New York, Stevenson, Stewart, Stoddard, Swan, Tannall, Taylor, Thompson, Tod, Tomlinson, Tracy, Trimble, Tucker of South Carolina, Tucker of Virginia, Upham, Vance, Van Rensselaer, Van Wyck, Walker, Walworth, Warfield, Whipple, White, Whitman, Williams of North Carolina, Williams of Virginia, Williamson, Wilson, Wood, Woodcock, Woodson, Worman, and Wright.

NAY.—Mr. Garnett.

H. OF R.]

Gradual Increase of the Navy.

[MARCH, 1822.]

So the first resolve passed unanimously, with the exception of a single vota.

The question was then put upon the second resolution, and carried unanimously.

And then, on motion of Mr. H. NELSON, the House adjourned.

FRIDAY, March 29.

Title to the Fortification Site in the Delaware River, called the Pea Patch.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 1st instant, requesting "the President to communicate such information as he may possess relative to any private claim against the piece of land in the Delaware River, known by the name of the Pea Patch, and to state, if any, and what, process has been instituted on behalf of such claim," I herewith transmit a report from the Secretary of War, furnishing the information required.

JAMES MONROE.

WASHINGTON, March 8, 1822.

The Message and report were referred to the Committee on the Judiciary.

Gradual Increase of the Navy.

Mr. McLANE, from the Committee on Naval Affairs, who were instructed, by resolution, "to inquire into the expediency of modifying the act, entitled 'An act for the gradual increase of the Navy of the United States,' so as to require a part of the annual appropriation to be expended in the construction of vessels of an inferior force to those now authorized by said law to be built," made a report thereon; which was read, and ordered to lie on the table.

Mr. McLANE, from the same committee, also reported a bill to fix and render permanent the Naval Peace Establishment of the United States; which was read twice, and committed to the Committee of the Whole on the state of the Union. The report is as follows:

The Committee on Naval Affairs, to whom was referred the resolution of the House of Representatives of the 4th instant, instructing them to inquire into the expediency of modifying the act, entitled "An act for the gradual increase of the Navy of the United States," so as to require a part of the annual appropriation to be expended in the construction of vessels of an inferior force to those now authorized by said law to be built, make the following report:

That, by the act above referred to, passed the 29th April, 1816, the sum of one million of dollars per annum was appropriated for the gradual increase of the Navy of the United States; and the President of the United States was authorized to cause to be built nine ships, to rate not less than 74 guns each; and twelve ships, to rate not less than 44 guns each, including one 74 and three 44 gun ships, authorized by a previous law. The President was also authorized to procure steam engines, and all the imperishable materials necessary for building and equipping three steam batteries; and by the 4th section of the act, it was

provided that "the moneys appropriated by this act shall not be transferred to any other object of expenditure." By the act of 3d March, 1821, instead of the appropriation contained in the original act, the sum of \$500,000 per annum, for six years, was appropriated to carry into effect the purposes of the said act; and that the whole of this sum will be required to complete the objects contemplated by these acts. That, pursuant to the instructions and objects of these laws, there has been built and equipped one ship-of-the-line, viz: the Columbus; and that there has been built and launched three ships-of-the-line, viz: the Ohio, the North Carolina, and the Delaware, and one frigate at Washington, the Potomac; that there is now on the stocks, built and ready to launch, one ship-of-the-line at Boston—that there are now on the stocks, nearly finished, one ship-of-the-line at Portsmouth, New Hampshire, one frigate at Philadelphia, and one frigate at New York—that there is on the stocks, about half finished, one ship-of-the-line at Gosport, Virginia—that preparations have, for some time past, been making, for putting on the stocks one ship-of-the-line at Boston, one frigate at New York, one frigate at Portsmouth, New Hampshire, and one frigate at Washington, and that the frames, and nearly all the timber, and other materials, have been provided for building one ship-of-the-line at Philadelphia, one frigate at Washington, one frigate at Boston, and one frigate at Norfolk—that the live oak frames, and nearly all the other timber, and two steam engines, have been provided for two steam batteries at New York, and one steam battery at Washington. The committee further report that the articles on hand, and those contracted for, could not be advantageously applied to the building of vessels of a smaller class than those for which they were provided and designed. "The frames of our ships-of-the-line are all got to moulds; each particular piece has its appropriate place in the frame," and the labor of reducing them to a size suitable to smaller vessels would be nearly, if not quite, equal to the expense of a new frame. The copper provided, too, is generally heavier than is used for aloops of war.

In the opinion of the committee, the frames being cut to moulds, which, being the cheaper and better plan, the commissioners of the navy, with a due regard to the before-recited acts, were authorized to direct, there would be great risk of losing them entirely, by their warping out of place, if they are not put together.

The committee are of opinion, also, that the funds appropriated for the gradual increase of the navy, cannot be diverted to any other objects, consistently with good faith, or the real interests of the nation.

The policy was adopted upon great consideration, and with a view to the defence of our seacoast, and in a well-founded conviction that it was wise and prudent gradually to increase our naval force in time of peace, and to render it efficient in the exigencies to which the country must be always more or less exposed. It is believed that the best defence for this country, and that on which it must principally rely, not only for the protection of our commerce, but to prevent the actual invasion of the soil, is the naval force. The act for the gradual increase of the navy was founded on this presumption, and designed by gradual means, in a manner least oppressive to the country, to lay the foundation of an efficient naval power, and to prepare, in time of peace, that descrip-

MARCH, 1832.]

Inspection of Land Offices.

[H. OF R.]

tion force, which could not be easily raised up in time of war, but which would be indispensable in such a crisis. It requires much time and great care to prepare the materials, and construct the vessels of the class provided for in the acts, and the experience of the late war has fully demonstrated the necessity of such a force; by teaching us the facility with which the enemy could blockade a large portion of our coast with a single ship-of-the-line.

The committee are of opinion that it would be unwise to change this system, founded upon so many important considerations, without some urgent necessity, and in their opinion, none such exists; on the contrary, there seems to be even stronger reasons for adhering to the policy, and cherishing the growth of our naval power, now that foreign nations are modelling their naval architecture after our improvements, and at a moment when our foreign relations are about to be extended, upon a scale which should, at least, admonish us against any diminution of, or an indifference to the means of national defence.

The committee are aware of the importance of ships of war, as a class of naval force, indispensable both in time of peace and war; but they are a class which may be provided in a shorter time, and with considerable advantage, even after the exigency has arisen, and, though they would be useful in time of peace for many services, and especially for the discipline of our officers, and the more effectual suppression of the piratical marauders upon our commerce, the committee believe it would be unwise to break in upon the fund for the gradual increase of the navy, even for such objects; and, therefore, recommend the adoption of the following resolution:

Resolved, That it is expedient to modify the act, entitled "An act for the gradual increase of the Navy of the United States," so as to require a part of the annual appropriation to be expended in the construction of vessels of an inferior force to those now authorized by the said law to be built.

Inspection of Land Offices.

Mr. McLANE, from a select committee, delivered in the following report; which was read, and ordered to lie on the table.

[This report, which was the result of an inquiry expected to criminate a Senator, and the Secretary of the Treasury, concluded thus:]

On the whole, the committee have seen nothing in the case submitted to them, which can lead to the presumption, that either of the individuals concerned had any intention either to violate the provisions of the law, or to abuse or disregard the spirit and policy of our institutions.

They are of opinion that the employment of Mr. Thomas to examine the land offices originated in a desire honestly to discharge an important public duty; that the peculiar importance of the trust at the time, and the character and elevation of the individual employed, were calculated rather to invite than forbid the selection. Nor have the committee any reason to believe that the duty has not been faithfully performed, and in a manner conducive to the public good.

Under these circumstances, and with such impression, the committee do not deem it necessary to single out this case for particular animadversion, or to pronounce upon the comprehensiveness or precise import of the act of 1808. They content themselves

with referring to the construction which it has uniformly received in practice, and to the conviction that the public good, and not any sinister or improper purpose, was intended; and they therefore recommend the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

Mr. Cook stated, that it was due to himself and to the committee to say, that the committee were not unanimous in agreeing to the report, and to express the views which he personally had of this subject, which he considered, in some points of view, as of great importance, he offered a counter-resolution, which he requested might accompany the report, and be laid on the table with it.

Mr. McLANE said he was sorry that, on the present occasion, the gentleman from Illinois had thought it proper to deviate from the usual practice on making reports, in stating, as he had done, that there was a division in the committee on the subject of the report. An obvious objection to such a proceeding was, that each member of the committee might feel himself called upon to say how *he* had voted, if any one of the committee did so. He believed, he said, that he should be authorized in saying that the honorable gentleman himself was the only one of the committee who disagreed to the resolution now on the table. Mr. McLANE did not think this course to be the proper one to be pursued. It would be an encroachment on propriety to suffer a committee to make a report, and accompany it with another report, which might possibly be of a very different tendency. The object of the gentleman, besides, could be as well attained by moving his proposition in the shape of a separate and distinct resolution, as in the way he proposed.

The SPEAKER, deprecating the debates growing out of incidental questions, uselessly consuming the time of the House, pronounced his decision, that nothing can be received as the act of a committee but what is the report of a committee, and that a committee can make but one report. Nothing, therefore, but the report of the committee was now under consideration. He adverted to the famous case of the Seminole war, in which a counter report had been offered by one of the committee, and received by the House, but he considered it an erroneous proceeding, and not to be drawn into precedent.

Mr. MERCER concurred in the view which the Speaker had taken of this point, and added that, in the case of the Seminole war, the counter report had not been received until after considerable debate, and it was afterwards a subject of general regret that it had been received at all.

Mr. Cook said he was not sure he had understood the gentleman from Delaware (Mr. McLANE) correctly—but repeating what he had said when before up, Mr. C. now justified it. It was no new thing for it to be announced, on the presentation of a report, that the committee

was divided in relation to it. He quoted the example of the case of the report at the last session on the admission of Missouri into the Union. He did not know whether the member from Delaware meant to intimate that he had made an incorrect statement or taken any undue advantage. He would rather abandon his seat—he would rather never have set foot in this House, than do a dishonorable act, or even an act of unkindness to any of his fellow-members. He deemed it a matter of importance even to the persons about whom, on this subject, so much had been said, to frankly present to the House his views, that no man should be taken by surprise in voting on a question deeply connected with the purity of the legislative body—

The SPEAKER here arrested the debate, as going improperly into the main subject, on a question merely incidental.

Mr. MOLANE disclaimed any intention, in what he had said, to alarm the feelings of the gentleman from Illinois, or impeach his motives. He considered it an act of justice to himself and to the committee to state the facts of the case, and he had done no more.

The question was taken on laying the report on the table, as moved by Mr. COOK, and carried.

Mr. COOK then submitted the following resolution:

Resolved, That the employment of members of Congress by the Executive, or any Executive officer of the United States, in the performance of any public service, during the continuance of their membership, for which they receive compensation out of the public Treasury, is inconsistent with the independence of Congress, and in derogation of the rights of the people, and, if it be not already, ought to be prohibited.

Mr. CANNON required the question of *consideration* of the resolution; and, that question being taken, the House agreed to consider the same.

Mr. COOK moved for a reconsideration of the vote taken upon the disposal of the resolution reported by the committee; on the ground that his object was to offer the last resolution as an amendment, or rather as a substitute for the resolution reported by the committee.

A question of order occurred, in which Messrs. COOK, H. NELSON, CANNON, and TAYLOR, took part, when the proceedings ended in deciding to lay Mr. COOK's resolution on the table, in the same manner as the report had been; and both were ordered to be printed.

Fugitive Slaves.

The House then resolved itself into a Committee of the Whole on the bill to provide for delivering up persons held to labor or service in any of the States or Territories, who shall escape into any other State or Territory.

The question was, on the motion to strike out the enacting clause of the bill.

Mr. F. JOHNSON was willing to legislate on

the subject, but he thought this bill was calculated to introduce new and unknown rules in relation to property. Its operation was not confined to the slaveholding States, and he thought its tendency would be injurious to society, and the administration of justice. He was also opposed to it on the ground that it authorized a suspension of the right of the writ of habeas corpus. He hoped that the bill would be laid on the table, or recommitted, in order that these objections may be removed; and with that view, he proposed that the committee rise and report; which motion was put and carried, ayes 55, noes 43.

In the House, leave to sit again was refused to the committee; and

Mr. F. JOHNSON moved to recommit the bill to a select committee, which was agreed to; and Mr. JOHNSON of Kentucky, Mr. COLDEN, Mr. WRIGHT, Mr. NELSON of Virginia, and Mr. WILLIAMS of North Carolina, were appointed said committee.

Horses Lost in the Seminole War.

The House again went into Committee of the Whole on the report of the Committee of Claims unfavorable to the memorial of the Legislature of the State of Tennessee, claiming payment for horses lost in the Seminole campaign.

Mr. F. JONES moved to amend the report of the committee by striking out the word "not," so as to give it an affirmative character.

The motion was supported by the mover, and by Mr. ALLEN, of Tennessee.

Mr. ALLEN said: This claim presents itself very differently from most others which we are called upon to decide. It rests upon a positive contract between the soldier and his Government. We find the Commander of the Southern division of the Army of the United States, inviting mounted volunteers to enter the service, under a promise to pay them forty cents per day for their horses, and furnish them with forage and subsistence, at a time when a law existed to pay the soldiers, who had just returned from service, for their horses that had been lost on account of a failure on the part of the Government to forage them. The inspection roll of the army proves that these men entered the service, and performed their duty faithfully, and were honorably discharged. It is admitted that, during a long and rapid march through a wilderness, no forage whatever was furnished. What was the consequence? Death to the horse and loss to the owner, but a gain to the Government of all that forage and transportation would have cost. If that has been done in violation of the contract with the soldier, is it not reasonable to pay the damages that accrued to the soldier who performed his part of the covenant? His claim would be sustainable in law, were the Government suable; and, because it is not, are we to reject it? I hope not; I will not agree to do so without stronger reasons than are to be found in the report of the Committee of Claims. I cannot see how the sol-

MARCH, 1822.]

South American Governments.

[H. OF R.]

dier's demand for his horse is at all impaired by any thing paid him for his services. He performed the duties required of him, and only received the wages promised for doing so; yet this ingenious report tells us that that payment exceeded the average value of the horses, and infers, from it, that the soldier is already overpaid. Agreeably to this mode of reasoning, if one of these soldiers had served six months longer, the Government would have had a claim against him equal to the value of another horse. If he is to be charged with his wages when he receives credit for his horse, it is evident that the longer he served the greater would be the balance against him. This may be good argument, but, in my opinion, very poor pay. There is a laboring, throughout this report, to draw the mind off from the merits of the claim, and fix it upon charges and expenditures that attended the campaign, for which the soldier is not at all accountable. After all the trouble of searching every department in the War Office, it is discovered that, out of the arms put in the hands of the volunteers, forty-nine muskets were never returned. This, I think, might easily be accounted for by looking at the number of men that never returned. The killed and wounded could not be expected to return their arms, and certainly their comrades are not to be made accountable for them. Is it believed that we are never to want another army? If we do, does any one think we will get soldiers, if they are to be made accountable for all the expenses? Was that the course adopted during the last war? No; the mounted men then engaged, were paid for their services and their losses. These troops only ask the same measure of justice all others received. If the policy even is doubtful, is it just to change it now, and exclude a few that have been deceived by confiding in it? Certainly not. If you want the confidence of the people, remember that, next to their liberty, they claim from their Government equal justice. I hope it will not be denied to these meritorious men—soldiers, I would say, if I was not well aware that the very name of soldier sounds an alarm here, not for their valor, but for our money. Sir, these soldiers are too proud to beg. Give them justice or give them nothing.

On motion of Mr. WILLIAMS, of North Carolina, the committee rose and reported progress, and asked leave to sit again, which was granted.

SATURDAY, March 30.

South American Governments.

The SPEAKER laid before the House the following letter, which, by unanimous consent, was ordered to be entered on the Journals of the House.

WASHINGTON, March 30, 1822.

To the Honorable, the Speaker of the House of Representatives:

SIR: Severe indisposition prevented me from attending the House on Thursday, and recording my

vote in favor of the Independence of the South American Governments; the same cause prevented me from attending the House yesterday; nor was it until the hour of adjournment that I was informed that the members who were absent when the above vote was taken, were yesterday permitted, by universal consent, to have their votes entered on the Journal. Thus circumstanced, I shall feel highly honored by the House if they will permit my name to be recorded in the affirmative on that question, by placing it with the yeas; or if that cannot be done, by placing this letter on the Journal. I have the honor to be, &c.

PHILIP REID.

Mr. GARNETT asked if it was in order to make a motion; he said he wished to make one on the subject of the vote he had given on Thursday last, on the recognition of the late South American Provinces. That it has been his misfortune, not only to differ with all his colleagues, but with the whole House on this subject; that he did not wish to recall his vote, for he was fully prepared for all the consequences that could arise from it, when he gave it; but there was one view of the subject which occasioned regret; the event of her recognition would necessarily be announced to the world, and his vote would be probably misinterpreted by the public, who might believe that he was unfriendly to the independence of the South Americas; and that he did not wish it to be believed, that there could be an American Legislator in the 19th century, who could be unfriendly to civil liberty, and the rights of man, anywhere. That he felt great gratification in common with the rest of his countrymen, in the success in which the struggle of the South Americans had eventuated; and that he refrained from voting to recognize them, from considerations of policy, which he wished to make known, by spreading them upon the Journal of the House, the only permanent and authentic record. This was partly a national, and partly a personal motive; but there was a secondary motive, which was entirely personal. He wished it to be known that he had not voted entirely without reflection, or from caprice or prejudice, by making known his reasons, which, whether well or ill-founded, would show that he had bestowed some consideration on the subject. With this view he offered the following declaration, and moved to have it inserted in the Journal:

I voted against the recognition of the late American Provinces of Spain, not because I am opposed to their independence, on the contrary, I rejoice in its accomplishment, and believe that it would be even better for them to be independent with a worse form of government, than to be dependent with a better; but I voted against it because I am of opinion,

That recognition must be either the mere formal declaration of a fact which will be inoperative, and therefore useless, or it must be substantial, and propose some advantage to one or both of the parties—that, if it be substantial, it must be intended either to impart to the party recognized the physical means, or the moral force, necessary to accomplish their revolution, or to establish relations for the mutual benefit of both the parties concerned—that the idea

of assistance, to consummate a revolution, concedes that it is not completed, and is incompatible with the neutral obligations to the country claiming jurisdiction; and that the second alternative of mutual benefit reduces it to a question of policy, in which it is only necessary to balance the good with the evil:

That we have no right to recognize nations because they have adopted forms of government congenial with our own, if our recognition would not otherwise be proper; and, to maintain this doctrine, would be to assert the odious principle of legitimacy, that nations have a right to interfere with the internal concerns of each other, which must be beneficial or injurious, accordingly as free principles or despotism happens to prevail in the world; and that, for this reason also, the present is a question of policy, not of principle:

That, the period having past when our recognition of the independent Governments of South America could be of any substantial benefit to them; their independence being already firmly established; it is impolitic in us, for the sake of any advantages which either party is likely to derive from an intercourse at this time, to risk those we already possess:

That, if Spain only, through mistaken pride, resents our act, though perhaps too feeble to carry on a war with us, she may interdict our commerce with her remaining colonies, and thus deprive us of a trade more valuable than any we can expect to substitute, for a long time, with the independent provinces:

That, if the importance of this trade to those colonies should induce them to revolt, or our recognition itself should produce in them revolutionary movements, the island of Cuba, the most valuable to us, will either fall under the dominion of the colored population, or of our jealous and ambitious rival, England, or we must occupy it ourselves, at the expense of a war with that rival, who will certainly seek to prevent that occupation at the same cost:

That the elements of new revolutions still exist in Mexico, in consequence of the power and influence of the priesthood and the landed aristocracy, who gave their aid to the late revolution, under the belief that they were to have an imperial government, which secures to them their property—which probably cannot be carried into operation, and which, if attempted, it is said, will be resisted by the Republic of Colombia—and that these commotions will still farther retard the return of their productive labor to domestic industry.

That the situation of Mexico is somewhat equivocal in relation to its claim to recognition, as it appears by the letter of the American Chargé d'Affaires near the Court of Madrid, that the authorized agents of that Government, after the revolt of Iturbide, and the adoption of articles of government, was known to them, still contemplated the integrity of the Spanish Empire, as it concerns this province.

And, finally, that circumstances do not warrant precipitancy—that the great interests of both parties will be endangered without any adequate motive for the risk; and that the temporary *éclat* which priority of recognition may obtain for us, is not to be put in opposition to the great permanent interests of both countries, which will be best promoted by adhering, on their part, to the sage monitions inculcated in the language of one of their most distinguished patriots, Rivadavia, who declared, as late as September last, "that they did not seek the recognition of other na-

tions, because it must operate, if unsuccessful, to the humiliation of the provinces, and if successful, to mislead the people, by persuading them that such recognition was all sufficient to their political existence and happiness; that the most efficacious system would be to establish order and wise institutions of government throughout the provinces, and to show themselves worthy of the fraternity of other nations, when it would be voluntarily offered;"* and, on our part, by abstaining to propose that fraternity, until the elements of their political society, purified from the crimes and corruption engendered by former oppression, have settled down into order, and they have fully demonstrated their capacity for self-government, and until we are mutually in a condition to derive advantages from a free intercourse, which will overbalance the considerations of the evil, which immediate recognition presents, without a prospect of good.

ROBERT S. GARNETT,

A member from Virginia.

The question being taken upon entering the said written declaration on the Journals of the House, it was negatived, ayes 49, noes 51.

Exchange of Stocks.

An engrossed bill to authorize the Secretary of the Treasury to exchange certain stocks bearing an interest of five per cent. for certain stocks bearing an interest of six and seven per cent., was read a third time.

Mr. TUCKER, of South Carolina, called for the yeas and nays on the final passage of the bill; which were thereupon ordered.

Mr. F. JOHNSON said he should not again have troubled the House upon the subject, but for the very singular course which had marked the progress of the bill, and but for the utter repugnance he felt for the measure—a loan bill of twenty-six millions in profound peace; that he considered the subject, as the friends of it had said, of "vital importance" in its consequences, and as a precedent. He said that the bill, as now amended, was more objectionable than at first; that it now allowed the payment of the public debt of 1814 and 1815, as well as 1812 and 1813, to be postponed and put further off. It was now a proposition to create a loan of twenty-six millions to discharge so much of the public debt which falls redeemable in 1825, '26, '27, '28, and to postpone the payment thereof until a more distant period,—taxing the community, in the mean time, and for all that time, with an interest on the debt, and which interest, as mentioned on a former day, was upwards of five millions seven hundred thousand dollars annually; that the friends of the bill had urged several grounds for its passage: first, that it was recommended by the Secretary of the Treasury; secondly, that we shall not be able to discharge the debt when it falls redeemable; and, foreseeing that event, now was the golden moment, now the accepted time, to make a good bargain out of the money brokers, and, by so doing, to save to the nation

* See letter of J. M. Forbes, of the 17th of September, 1821.

MARCH, 1822.]

Exchange of Stocks.

[H. OF R.]

the payment of 6 and 7 per cent. interest on the public debt, and to substitute in lieu thereof 5 per cent. These arguments, he said, had been answered, and that satisfactorily, in his opinion, by his honorable friends from New York, (Mr. TRACY,) from Connecticut, (Mr. TOMLINSON,) and from Pennsylvania, (Mr. SEEGRAST.) It had been demonstrated over and over again, that the stockholders will not accept the exchange you propose, unless it shall be more advantageous to them than the contract they now hold on you, and consequently more disadvantageous to the Government; so that it is to make a bargain in any event, if we bargain at all; and he said they had, moreover, shown that there was no good reason to apprehend that the credit of the Government would fall, unless uncompromitted by some such measure as the bill. But, he said, yielding to the friends of the bill, the truth of both the facts they had assumed, namely, that we shall not be able to pay the debt of 1825, 1826, 1827, and 1828, when it falls redeemable, and that money will be more in demand and the interest higher; yet he contended the propriety of the measure was not established; he said, the argument which goes to show we shall not be able to pay off the public debt, presupposes and assumes for its basis, that there is to be no material increase in the revenue, nor any material change in the economy of the affairs of the nation; and he begged gentlemen to say, whether the same arguments, if admitted to be correct, did not go conclusively to show that we never should be able to pay the public debt. He said, if the increase of the revenue, and the reduction of public expenditure, will not enable the Government to pay off a good portion of the debt in two, three, four, five, and six years, he should like to know what was to happen after that period to enable them to pay the debt; and, said he, I pray gentlemen, who rely so much more on their predictions for our inability to pay the debt, than on exertions to pay it, to open to us the events of futurity, and give us a view, if it be but a faint one, of the prosperity which is after that time to advance our revenue and resources so as to enable us to pay this debt, with an accumulation of fifty-five per cent. on it, that we may have faith, and, having faith, we may live in hopes, that, without any exertion but the mere process of creating new loans to pay off old ones, we shall some day relieve the country of this enormous debt. And if they would be kind enough, he said, to develop the process by which men or nations could get out of debt by borrowing, it would be a most acceptable invention in these times. The argument, he said, which was advanced to show that the interest on money would increase in a year or two, and hence the conclusion that we ought to borrow while interest is low and before it rises, was founded upon the assertion that the capital in the country, which was now unemployed, would in a short time be employed in a profitable com-

merce; that commerce was increasing, and would increase, and would employ the capital of the country. So be it, said he; and what does it prove?

If commerce increases and flourishes, does it not inevitably advance, in the proportion of its increase, the revenue of the nation? Most assuredly it does. And, if the revenue thus increases, it gives the means directly and inevitably to pay off the debt. For, in the same extent, you admit the argument contended for, he said, that the capital of the country would be employed in profitable commerce, and therefore could not be obtained on loan, but at a higher interest than now, also proved with it a like proportion in the increase of the revenue, and an increase of the revenue gave the means of paying the debt; and the argument thus urged, he said, in favor of the bill, was most clearly against it. So, he said, to him, it was perfectly clear, that, take the argument either or both ways in which it had been contended for, that it was against the policy and propriety of the measure. But, said he, we are told that two millions of dollars are to be saved to the nation by this bill, and several hundred thousand every year. Astonishing result, he said, to be produced by borrowing money. It was vain delusion to talk of saving millions, while you plunged the nation deeper and deeper in debt; while you increased and extended the amount of interest, and gave it a sort of perpetuity on posterity that seems without end, it is vain delusion to talk of saving; it was a sort of political sophism in which he did not believe; the fact, he said, was not so; unless gentlemen meant to make the debt perpetual, to adopt the old maxim—a *public debt a public blessing*—then, to be sure, it would be some temporary relief to the finances to pay one per cent. less on the debt. How stood the facts, he asked, in this case? Say a part of the debt is proposed not to be redeemed until the end of eleven years, and you agree, in the mean time, to pay five per cent. per annum, quarterly, on the debt, is it not an agreement to pay fifty-five per cent. on the money loaned, before you return it, you being allowed eleven years credit for the principal, by paying, at the rate of five per cent. per annum, quarterly, out of the Treasury? On a loan of twenty millions of dollars, for twenty years, at this rate, you pay in all forty millions, and the twenty millions of interest, quarter yearly; whereas the same loan of twenty millions, continued but five years at six per cent., will only amount to twenty-six millions; the difference, therefore, in favor of six per cent. for a few years, is more favorable to the nation than paying five per cent. for a great number of years; five per cent. for eleven years makes an aggregate of interest, on any given sum, fifty-five per cent.; an interest of six per cent., for nine years, makes an aggregate of interest, on the same sum, but fifty-four per cent.; hence, he said, it was most clear that the actual saving to the nation was in the same pro-

portion as the debt was extinguished within nine years, beyond what it would be to continue and put off the payment of any part until the end of eleven years. So much, he said, he had thought proper to say in addition to what had been heretofore said on the dollar and cent part of the argument.

But, he said, there were other points of view in which this subject might be profitably received and considered. Loans or a national debt, under a certain administration, was once considered a national blessing, but it had been long since admitted, on all hands, that a national debt was a nation's curse; we then deprecated a national debt, and we still continue to view it as a national evil; but it would seem, he said, that times change, and we change with the times. That very system which, under a former Administration, was opposed, abused, and cried down, as tending directly to the oppression of the people, and the destruction of the Government, we now propose to adopt and speak of with as much indifference and unconcern as if it was of but momentary consequence; that very system of loans and public debt was one of the levers that overthrew that administration, and established in its stead an administration of economy and retrenchment—an administration which consulted the interests of the people, and studied the perpetuation of American liberty—an administration which arrested the career to consolidation and profusion, and restored correct principles and economy—an administration that, with less capital and wealth in the nation; with less population; with fewer resources than we now possess; yes, with the remains of means of the preceding administration, extinguished about sixty-five millions of the public debt. And how was it done? It was effected, he said, by the then Executive of the nation turning its attention to the deranged finances of the country, correcting the faults, errors, and profusions, that had crept into the various Departments of the Government, and by husbanding the resources of the nation, and which had been esteemed, in the preceding administration, so inadequate to the annual ordinary expenses of the Government, that direct and internal taxes had been levied with a liberal hand, on the people, to supply the alleged deficits in the revenue, derived from imports and tonnage, &c. All these obnoxious and oppressive laws were repealed, and, notwithstanding the clamorous predictions of ruin and devastation which was to overtake the nation, by reason of the new organization of things which were everywhere uttered by the enemies of that administration, the sage of Monticello, to the utter astonishment and confusion of his enemies, not only kept the Government in operation and in peace, but with the remains of means extinguished about sixty-five millions of public debt.

He said, he appealed to the gentlemen of the House to say, whether it was scarcely possible for the members, however industrious and per-

severing, if they perform the duties of the House and those on committees, to become well acquainted, even in the course of several sessions, with the expenditures in the different departments, and the labor, and service, and nature of service required, so as to be able to suggest and point to reform in every one, and to ascertain what, if any, had been disbursed without the authority of law—he said, so numerous and complicated are its concerns, that it is almost wholly impracticable, and hence, said he, we have to confine our efforts to the more prominent establishments of the country, the Army and the Navy, and attempts at the Civil department. The Army, said he, we reduced last session, and that department had introduced and was approaching, a degree of economy not observed, it was believed, in any other. And is there, he said, no necessity for attention to this subject? He said that something like five millions a year was appropriated by Congress in the nature of its expenditure, more or less contingent—some of it altogether contingent, the residue depending on the discretion of various persons in its administration and disbursement. He did not say that abuses had taken place, and if there was not, he said, it was right upon principle to investigate and to understand, but that, from the manner of reporting the accounts of the various expenditures to the House, but little or no information is afforded; they are chiefly reported in sundries—so much for sundries, &c., and he could not any better judge after such accounts came in than before, as to the propriety of the expenditure, but he supposed it was owing to the manner in which the auditors kept their accounts; he supposed they just sent extracts from their ledgers. He said he observed some items, however, that he could find no authority for, but he would not now trouble the House with the mention of them upon this occasion, but he just observed that in an appropriation of \$30,000 for an Indian treaty, he saw ten thousand dollars set down as so much given away, for which there was no other evidence than the word or certificate of the givers of the money; \$10,000 paid in part for the cession obtained, the residue absorbed in expenses and wages. Look at the contingent expenses upon almost any subject, and see if there is not something of the same want of attention to the public interest; this he mentioned as a small circumstance that had just crossed his mind; it was small compared to other appropriations—he knew of no authority for giving away the public money, and none for admitting credits and disbursements without evidence; it might, he said, be right, but it was certainly a dangerous sort of principle to sanction—irresponsibility for the expenditure of public money; indeed, he said it would seem there was somehow or other too much indifference about the expenditure of public money. The Ghent commissioners are, he said, a singular evidence upon the subject; these commissioners have

MARCH, 1823.]

Exchange of Stocks.

[H. OF R.]

been for five or six years drawing immense sums of money out of the Treasury, and a great part of the time about their own business; some excuse or other is offered for not completing the business, but the money goes, if the business stands; and they are retained on wages. Captain Cook or Sir W. Raleigh, he said, would have sailed round the world two or three times while these commissioners have been engaged in running a line upon a very small part of its surface. He had taken occasion to refer to these subjects, as most likely not to have escaped the eye, yet nothing is said; and he would suggest, these items were in his opinion neither the most flagrant nor most numerous. Look at various reports and judge for yourselves.

Mr. BUCHANAN observed, that, although the bill before the House, even as it had been amended, did not please him in all its details, yet, imperfect as it was in his estimation, he deemed it in principle to be a measure so advantageous to the country that it should receive his decided support. The gentleman from Kentucky (Mr. JOHNSON) has complained that the friends of retrenchment, of whom he professed to be one of the most zealous, were denounced as radicals and enemies of the present Administration. Mr. B. was utterly at a loss to know what application such remarks had to the subject under consideration. If they had any, for one he could observe, that denunciations of this kind would have no terrors for him. He neither desired nor expected any favor from the Administration; and he trusted that whilst he held the high and honorable station of a Representative of the people, he should neither wish nor ask for any other distinction. He was, therefore, alike indifferent whether he was called a radical or an ultra.

Mr. B. said that the present amount of the national debt might be stated, for the sake of even numbers, at \$93,000,000. \$68,000,000 of this sum is the balance of the war loans yet remaining unpaid, and bearing an interest of six and of seven per cent. per annum. This balance will be redeemable at the pleasure of the Government, in the years 1825, 1826, 1827, and 1828. The measure proposed by the present bill is an exchange of \$26,000,000 of this stock, upon which the Government now pay an interest of six and seven per cent. for stock to that amount; bearing an interest of five per cent. and not redeemable until 1830, 1831, 1832, and 1833. This exchange, in all human probability, can now be effected. The only question, therefore, to be decided, is the policy of the measure.

It is said by its enemies that this bill should not pass, because it will deprive the Government of the power of redeeming \$26,000,000 of the public debt, during the years in which it will become due. If the slightest prospect existed that we should be able to pay the \$68,000,000 during those years, then, said Mr. B., I admit this would be a conclusive objection to the bill.

Unquestionably we should not deprive ourselves of the opportunity of discharging our debts, whenever we shall have the ability. But does any gentleman, however sanguine he may be in his calculations, really believe that our revenue, during the years 1825, 1826, 1827, and 1828, will be sufficient to defray the current expenses of the Government, to pay the interest of the whole of the national debt, and sink \$68,000,000 of the principal? During each of the two last years our debt has been increased upwards of \$2,000,000; and the Secretary of the Treasury, in his annual report, has informed us that until 1825, the year when the first of the war loans may be redeemed, he does not calculate that our ordinary receipts will enable him to do more than meet the ordinary expenses of Government, the interest of the national debt, and the payment to the public creditors of the small balance yet unpaid of the deferred six per cent. stock. That officer, we are informed by the chairman of the Committee of Ways and Means, now believes, from the late improvement in the revenue, that the \$2,000,000 of six per cent. stock owned by the Bank of the United States, may also be discharged during the intermediate years. This, however, is the utmost extent, beyond which our most sanguine expectations have not carried us.

If you should delay making such a provision as that contemplated by this bill until 1825, what will then be your situation? During that and the three subsequent years, you will either have a debt of \$65,000,000 to discharge, or you will be compelled to pay for it an interest of six per cent. If you pay the amount, you must provide the means, by resorting to loans; and your necessities will then compel you to borrow so much at once, that the value of money will be raised in the market, and you will not be able to obtain it at so cheap a rate as it can now be procured. Is it not, therefore, infinitely more politic to make the contemplated exchange of \$26,000,000 at the present time, when it can be done upon advantageous terms, than, under existing circumstances, to trust to the future?

Should this exchange be effected to its full extent, there will remain still \$37,000,000, which we may pay in 1825, 1826, 1827, and 1828; upwards of \$9,000,000 each year. This sum so greatly exceeds that portion of the Sinking Fund applicable to the payment of the principal of the debt during those years, even should it be in operation to the full extent at present contemplated by law, that we shall then be obliged to borrow large sums of money. This bill is calculated to divide the pressure. Let us now make an exchange of a part upon good terms; and by doing so, we shall secure to ourselves infinitely better terms for the balance in 1825, 1826, 1827, and 1828, than we could otherwise expect.

Mr. B. said he believed this to be the auspicious moment for making the exchange. Trade is reviving, and the demand for money becoming consequently greater. Should we realize the

commercial advantages which we expect from our declaration, that the South American provinces are free and independent, new avenues will be opened for mercantile enterprise, and for the employment of that capital which now remains idle. The interest of money must rise as the demand for it increases. On the other hand, if Spain should, in violation of the principles of justice and of the laws of nations, declare war against us for recognizing the independence of her colonies, or even threaten it, the necessary result must be a depression in the price of your stocks. The experience of every country in a state of actual or probable war, proves the truth of this position. This, then, appears to be the favorable time which, if we suffer to pass away, may never again return.

The immediate effect of this exchange will be an annual saving of \$260,000. My friend from Kentucky, said Mr B., who is so laudably desirous of introducing economy in the expenditure of public money, should have included this item in his calculations.

The present bill, we have been informed by the chairman of the Committee of Ways and Means, is a financial measure of the Secretary of the Treasury. Now, although the opinion of that officer, even in matters of finance, should not be authority; yet, from his character and official station, it is entitled to much weight. When there is doubt—when the judgment is nearly balanced, it should at least turn the scale. If Congress reject this measure, thus recommended, and if we shall be compelled to accept much worse terms in 1825 than the bill proposes, our constituents would have a just right to complain of our conduct.

Mr. B. concluded, by expressing his decided opinion that, in whatever view this bill could be presented, it would be beneficial to the country, and, therefore, he hoped it might pass.

Mr. FULLER expressed his sentiments against the bill, and, among other objections, he urged that it provided for giving to one class of the public creditors an advantage over another, by permitting the holders of stocks of different loans and value to come in and avail themselves of a common privilege. He remarked, that if the state of the stock market should be the same two years hence as at present, this would be a losing bargain, and he thought the chances of its favorable fluctuation was not such as to authorize the calculations of the friends of the bill.

Mr. WOODSON, of Kentucky, observed that he rose to address the House at this stage of the bill, not with a view of trespassing long on its patience in the discussion of a subject which he had hoped a few days since was finally disposed of, and the reconsideration of which was not to be anticipated. However, in the vicissitude of events, it has so happened that it is again presented; and a sense of imperious duty compelled him to solicit their indulgence, whilst he briefly expressed his own, and, he believed, the sentiments of those by whose confidence he was honored with a seat in this House.

This bill authorizes the Secretary of the Treasury, on behalf of the Government, to propose to a specific class of its creditors an exchange of \$26,000,000 of stock, bearing an interest of 8 per cent. for a like amount of 6 and 7 per cent. stock; and the only inducement held out to present selected stockholders, is the extension of the term of redemption some four or five years.

A single moment's reflection on the character of the measure, produces the conviction that it is nothing more or less than a loan in disguise, and that, too, by anticipation.

The people, whose will he is bound to obey, judging from lessons of experience, condemn the habit of resorting to loans in times of profound peace to sustain the operations of Government, or any measure calculated to rivet upon them or their posterity an immense debt, which they are not as yet prepared to admit is a national blessing. In the hour of war and difficulty, it is true, their patriotism and devotion create an inexhaustible fund, upon which their representatives may draw, with confidence, unlimited bills of credit. But, when the tempest has subsided, and serenity succeeds, they in return require that prudence and economy should be observed, and aid in relieving them from accumulated pressure. They will not be satisfied with empty professions; they act when necessary, and we, as their faithful representatives, ought to follow their example.

A Government is justly assimilated by them to an individual, and the same results relied on from the same causes. What would public sentiment pronounce, then, of an individual who managed his private concerns in a manner requiring a habitual resort to bank accommodations or loans to defray his ordinary expenses, or discharge his debts? To say the least, it would negative the idea of his prudence, and calculate with certainty on his ultimate embarrassment and humiliation.

This system of measures, he contended, created and confirmed a moneyed aristocracy in the country, distinct and separate in their feelings and interest from the great mass of the community—influencing, as he feared, at this moment, and hereafter destined to give tone and character to all our national measures; to cause luxury, extravagance, and idleness, to supplant the virtuous republican manners, the economy, the active enterprise, and hardy labor of our ancestors—sap the public virtue, and ultimately demolish the Government of the people. Should they stop short of those dreadful results, they will at least paralyze the public enterprise and retard its prosperity, by diverting the capital of the country from permanent establishments, requiring labor, care, and ingenuity, and yielding but a moderate though sure profit, into funded debt. Wealth is power—money is said to be the sinew of war. Place the purse or the credit of the nation in the hands of a privileged few, or of foreigners, and sooner or later the sword will accompany it. These may be

MARCH, 1892.]

Exchange of Stocks.

[H. OF R.]

considered by some as groundless speculations—idle fears. They are such as were entertained by the founders of our Republic, and the experience of other countries has too frequently witnessed their sad reality. Can the nation tolerate the humiliating idea of being the debtors, and consequently subject to the supercilious interference and control of a foreign nation jealous of our rising greatness? If not, let me entreat this House to pause before they adopt this measure; for I venture to predict, if the exchange is effected, by far the greater portion of the stock will be exported to, and disposed of, in a foreign country—remitted, in other and more specific language, to England.

If this event be not only possible, but highly probable, from the unfavorable rate of exchange against us, and we should hereafter come in collision with that power, and it becomes necessary to vindicate our insulted honor, or maintain our rights, can we resort to war? Indeed, can we assume, in any respect, the proud and elevated attitude of an independent, high-minded nation? No. That same honor would suspend the arm of vengeance until the debt was paid.

But, some gentlemen have said that the Government would acquire additional strength and security; that your enemy would be interested in preserving peace, to prevent a confiscation of their debts. This is by no means a novel idea; experience has long since proved its fallacy.

Their influence will be exerted to depress the public spirit, and obtain from us dishonorable concessions. They know full well that the sacredness of public debt has been settled by universal consent, and that no nation dare to violate it.

It is unnecessary to dwell on consequences so obvious and awful.

What is the pressing emergency, the dire necessity, requiring such despatch—this sudden risk of public credit?

Why this reversal of the pleasing prospects of our increasing commerce and prosperous condition of our revenue—the fond hope of the speedy and actual payment of our national debt, presented and received with so much eclat at the commencement of our session? Were they designed to be delusive? It would be uncharitable to believe so. If not, why is it that our Government is now represented as a vessel in a dead calm, and an experienced helmsman warning the crew of a distant speck in the horizon, the harbinger of an approaching storm? I cannot perceive. But, if the present side of the picture be the real one, let us profit by experience; haul in our sails; make the vessel tight and snug, and she will still ride the waves in safety. Do not the pride and dignity of the Government revolt at the idea of being placed at the mercy of brokers, bankmen, usurers, stockjobbers, and money dealers of every character, some of whom, I suppose it would be admitted, were governed exclusively by their views of profit and loss, or ambition, and with whom patriotism will be but as a feather in the balance?

When was the real money-lender's heart known to soften at distress, or his demands lowered by the extent of your necessities? How often does a candid acknowledgment of your inability to pay enable you to obtain more favorable terms on the solicited renewal of your bond? Let those who have experienced the blessings of bank accommodations, or the indulgences of the most polite creditors, respond.

Mr. McDUFFIE said, that it was not a matter of surprise that a very great diversity of opinion should prevail in relation to the proposition before the House; nor, was it a matter of surprise that, on a financial question of some novelty, involving the consideration of millions of the public debt, the House should not only feel a deep interest, but considerable doubts and difficulties. But, he said, he was much surprised when he saw the two gentlemen from Kentucky (Mr. F. JOHNSON and Mr. WOODSON) adding to the intrinsic difficulties of the question by the introduction of topics foreign to its merits. One of those gentlemen (Mr. WOODSON) had boldly disclaimed all regard to financial calculations, and in doing so, had distinctly disclaimed all regard to the only considerations that ought to have any weight with the House. And he confessed that, after this broad disclaimer on the part of that gentleman, he was not surprised at the wide and excursive range which he had taken in the debate. But, sir, said he, this is essentially a financial question, and I cannot conceive how we can determine whether or not it is expedient to adopt it, if we do not descend to the business of calculation. We must inquire, What is the amount of the public debt? When will it be redeemable at the pleasure of the Government? And what then will be the probable capacity of the Government to effect the redemption? Now it is admitted on all hands, and, if it were not admitted, it is apparent from the official documents before us, that during the years 1825, '6, '7, and '8, sixty-three millions of the public debt, bearing an interest of six and seven per cent., will become redeemable. It is equally apparent, that the surplus which shall remain of the ordinary revenue, after defraying the current expenses of the Government, and discharging the interest of the national debt, will not be sufficient to redeem within fifty millions of the sum that will be thus redeemable. Sir, when these two propositions are granted, which no gentleman has denied or can deny, it requires no great powers of logic to deduce the consequences. They are clear and inevitable. We must either raise a revenue of fifty millions of dollars by direct taxation, between this time and the year 1828, or we must procrastinate the period fixed for the redemption of the public debt.

The former alternative is quite out of the question. No gentleman would seriously recommend so enormous a tax for such an object, at a time when we are but just recovering from the most overwhelming pecuniary embarrassment that ever befell a prosperous nation—an

embarrassment, too, which we must trace to that very war in which this debt was contracted. Indeed one, or perhaps both of the gentlemen from Kentucky, took occasion to deprecate a resort to direct taxes, in the very act of opposing, upon the broadest principles, the only measure by which such taxes can be avoided. This seemed to involve an inconsistency which he thought it would be difficult to explain. But, said he, as it is granted that a direct tax is not contemplated, it follows, as a necessary consequence, that we must procrastinate the period at which the public debt shall be redeemable; and it only remains to be determined how this can be effected on terms most advantageous to the Government. It may be reasonably estimated, as already intimated, that there will be fifty millions of the public debt, bearing an interest of six and seven per cent., which will be redeemable at or before the year 1828, and which the Government cannot then redeem. In this state of things the public creditors ask it as a favor that we should not pay them the principal of their debt, and tell us that, if we will throw forward the period of redemption, they will take five per cent. instead of six and seven. In other words, they will exchange their six and seven per cent. stock, redeemable four or five years hence, for five per cent. stock, redeemable ten or twelve years hence. And shall we not accede to this proposition? Is it not better that we should pay five per cent. than six and seven per cent.?

But an honorable gentleman from Connecticut, (Mr. TOMLINSON,) had on a former day, used a very plausible and imposing argument on this point—an argument which had made a strong impression upon the House, and which, for the moment, Mr. McD. said, made a similar impression upon him. But he was prepared to show that the gentleman's argument, when pushed to its full extent, would lead to a result different from that which he had supposed. He understood the gentleman to contend that we ought to wait until the six and seven per cent. stocks become redeemable, and then open a new loan to raise the money to redeem them. And, said the gentleman, as the six and seven per cents. will, of course, be at par, it will follow that, if the five per cents. remain as at present, nine or ten per cent. above par, we shall gain, by postponing the operation, a sum equal to the aggregate amount that the five per cents. will produce above their par value. But, he said, the fallacy of this argument consisted in the supposition that the value of the five per cent. stock will not be diminished by increasing the quantity in market. The price of stocks, like that of every other article, depends upon the relation subsisting between the supply and demand. Indeed, the gentleman himself very justly ascribed the present high price of the five per cents. to the smallness of the amount in market. And when he told us we should depress their price by the proposed exchange, which will substantially throw twenty-six millions into the

market, it is strange that he did not extend his view a little further. If he had done so, he would, doubtless, have seen that a much greater depression would be produced by suddenly throwing into the market fifty millions five or six years hence. What, said Mr. McD., would be the situation of the Government, and what the interest of the public creditors? The Government would come into the market to obtain a loan for so large an amount, with a declaration of insolvency, as the only inducement it could offer the public creditors to subscribe to the new loan. What would be the conduct of the creditors? They would use every effort and resort to every combination to prevent the Government from obtaining favorable loans. For, as they would be the holders of six and seven per cent. stock, which the Government could redeem only by loans, they would have a deep interest in preventing a loan at a lower rate of interest, whereby they would, in effect, lose their stock, or have the interest proportionably reduced. Mr. McD. appealed to those who were familiar with the vicissitudes of the money market, and the operations of borrowing and lending, to say how great would be the effect which the holders of fifty millions of stock might produce on the price of stock. Suppose, said he, the Government should propose to effect a loan to that amount by the issue of five per cent. stock. The very fact that the holders of the six and seven per cents. should refuse to subscribe to the new stock, would so far diminish the demand and the competition, that its price would be greatly depressed. And he would venture to predict that, if this bill should not pass, the five per cent. stocks, for which we can now obtain the six and seven per cents., (thereby saving in interest between one and two millions of dollars,) will, at the end of four or five years, be at par, if not lower.

Mr. TUCKER, of Virginia, remarked that he had no feeling on this subject; he viewed the proposed exchange of stocks merely as a prudent financial measure, and had therefore always been in favor of the bill. And as the gentleman from Kentucky, who spoke first, (Mr. JOHNSON,) had, by a sort of general challenge, called upon its friends to point out those future changes in the circumstances of the country, on which they justified the measure, he would briefly state the considerations which influenced him. Mr. T. said he was friendly to the bill, under the persuasion that the interest of money would rise in this country; consequently, that stocks would fall; for he agreed with the gentleman from Massachusetts, (Mr. FULLER,) that we should gain or lose by the exchange, according to the price which our five per cent. stock may bear in the market, when the six and seven per cents. become redeemable. Thus, if, in 1826, our five per cent. stock should bring six per cent. above par, then, as we save by the exchange two per cent. per annum, for three years, in the payment of interest, it comes to nearly the same thing; and if our five per cents. should be higher, then we

April, 1822.]

Claim of Beaumarchais.

[H. OF R.]

should lose. But he thought there was much greater probability of their falling.

Mr. T. said that there were two very different causes for the fall in the interest of money—one was the gradual accumulation of large capitals in the hands of individuals, during a long course of prosperity, such as existed in England and Holland, when interest had gradually declined from ten per cent. to eight, to six, to four, and, he believed that, in Amsterdam, large sums may be now borrowed as low as three per cent. He said, the same cause operated in this country, and in every period of twenty or thirty years, by the accumulation of private wealth, interest may be expected to fall. But, he said, there was another cause, which was the sudden change in the circumstances of a country, by which that capital which had been actively employed, had become idle and redundant; and he contended that the last was the cause of the low rate of interest in this country; that it was the effect of comparative adversity, rather than prosperity; that we had now lost much of that extensive and gainful commerce we had lately enjoyed, which had made more capital in the country than could immediately find profitable investment. But, whenever interest is low from this cause, it cannot be permanent. If our commerce should revive, of which there were some present symptoms and encouraging prospects, then much of the money, now vested in the funds, will be demanded for mercantile pursuits, by which, of course, the natural interest of money will rise, and stock will fall. But if, on the other hand, the present stagnation of commerce should continue, then the present redundancy of capital is constantly diminishing. In the natural course of things, it will seek other investments; it will find employment in manufactures, or in the purchase of Western lands. It will be subdivided among children, or will melt away and be consumed. The present low rate of interest, less than five per cent., is not its natural state in this country, which has so many modes of absorbing capital, as fast as it can be created, it cannot last; and whether our commerce improves or falls off, or continues as it is, the natural interest of money must shortly rise from what it now is.

Mr. SMITH, of Maryland, commented at length, in an able and lucid manner, upon the observations that had been made by the gentlemen who had severally expressed their sentiments against the bill. Finally the question was taken on its passage, and decided in the affirmative—yeas 99, nays 55, as follows:

YEA.—Messrs. Allen of Tennessee, Archer, Baldwin, Barber of Connecticut, Barber of Ohio, Baylies, Bayly, Blackledge, Borland, Breckenridge, Buchanan, Burrows, Burton, Cambreleng, Campbell of New York, Campbell of Ohio, Casedy, Conkling, Cushman, Cuthbert, Dane, Durfee, Dwight, Eddy, Findley, Gebhard, Gilmer, Gross, Harvey, Hawks, Hendricks, Herrick, Hill, Hobart, Hooks, Jackson, J. T. Johnson, J. S. Johnston, Jones of Tennessee, Kent, Kirkland, Litchfield, Lowndes, McCarty, McCoy,

McDuffee, McSherry, Mallary, Matson, Mitchell of Pennsylvania, Montgomery, Moore of Pennsylvania, Moore of Virginia, Moore of Alabama, Morgan, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Patterson of New York, Patterson of Pennsylvania, Pierson, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Reed of Massachusetts, Reid of Georgia, Rhea, Rogers, Ruggles, Russ, Russell, Sanders, Sawyer, Scott, S. Smith, W. Smith, Alexander Smyth, J. S. Smith, Spencer, Sterling of Connecticut, Sterling of New York, Stevenson, Swan, Tatnall, Taylor, Thompson, Tod, Tucker of Virginia, Vance, Van Rensselaer, Van Wyck, Walworth, Whipple, Williamson, Wood, Woodcock, and Wright.

NAY.—Messrs. Alexander, Allen of Massachusetts, Ball, Bigelow, Blair, Brown, Cannon, Chambers, Cocke, Conner, Cook, Crafts, Darlington, Denison, Edwards of Connecticut, Edwards of North Carolina, Farrelly, Fuller, Garnett, Gist, Gorham, Hall, Hemphill, Holcombe, F. Johnson, Lathrop, Leftwich, Lincoln, Long, McNeil, Mattocks, Mercer, Metcalfe, Murray, Overstreet, Phillips, Rankin, Rich, Ross, Sergeant, Sloan, Arthur Smith, Stoddard, Tomlinson, Tracy, Tucker of South Carolina, Upham, Warfield, White, Whitman, Williams of North Carolina, Williams of Virginia, Wilson, Woodson, and Worman.

MONDAY, April 1.

Fugitives from Service.

Mr. F. JOHNSON, from the Select Committee to which was committed the bill to provide for delivering up persons held to labor or service in any of the States or Territories, who shall escape into any other State or Territory, reported the same with amendments, and the bill and amendments were ordered to lie on the table.

Colonel Trumbull's Paintings.

The engrossed joint resolution, relative to the disposition of the national paintings, executed by Colonel Trumbull, was read a third time and passed.

Claim of Beaumarchais.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

I transmit to Congress the translation of two letters from the Minister of France to the Secretary of State, relating to the claim of the heirs of Caron de Beaumarchais upon this Government, with the documents therewith enclosed, recommending them to the favorable consideration of Congress.

JAMES MONROE.

WASHINGTON, March 29, 1822.

The Baron de Newville to the Secretary of State.

WASHINGTON, February 26, 1822.

SIR: I have been instructed by my Court to call the attention of the Federal Government to the claim of the heirs of Beaumarchais. His Majesty's Government indulges a hope that their legitimate and well-founded rights will cease at least to be disputed, and that prejudices will yield at length to the influence of indisputable facts, especially when those

prejudices are totally ungrounded, and have been abandoned by all those who have maturely examined the case.

The Beaumarchais claim was first produced in 1778.

The French Government has never ceased to support it with that interest which every Government owes to the just claims of its citizens. It has been earnestly recommended to Congress by Presidents Madison and Monroe.

Mr. Madison, in his Message of the 81st of January, 1817, expresses himself in the following terms:

"Considering that the sum of which the million of livres in question made a part, was a gratuitous grant from the French Government to the United States, and the declaration of that Government that that part of the grant was put in the hands of M. de Beaumarchais as its agent, not as the agent of the United States, and was duly accounted for by him to the French Government; considering also the concurring opinions of two Attorney-Generals of the United States, that the said debt was not legally sustainable on behalf of the United States, I recommend the case to the favorable attention of the Legislature, whose authority alone can finally decide on it."

Mr. Monroe says, in his Message of January, 1818, "The claim of the representatives of the late Caron de Beaumarchais having been recommended to the favorable consideration of the Legislature by my predecessor in his Message to Congress of the 81st of January last, and concurring in the sentiments therein expressed, I now transmit copies of a new representation relative to it."

Mr. Gallatin, in his letter of the 2d of December, 1816, to the Duc de Richelieu, owns that a simple but explicit negative declaration on the part of His Majesty's Government, that the said million was not applied to the purchase of supplies furnished by M. de Beaumarchais to the United States, would have removed the doubts entertained by the officers at the head of the Treasury Department when the account was settled there.

The Duc de Richelieu, whose veracity and loyalty are so well known, made the following answer to Mr. Gallatin on the 20th of December:

"I am therefore warranted, sir, after a fresh examination of the facts, in persisting in the declaration above stated, and in considering as a matter of certainty, that the million paid on the 10th of June was not applied to the purchase of the shipments made to the United States at that period by M. de Beaumarchais." And, finally, the select committee charged with the examination of the business, and with reporting to Congress on the subject acknowledge the rights of the heirs of Beaumarchais in the most solemn manner. "The committee" (says the reporter) "have devoted much time, and made a laborious examination of the merits of this case; they have been able to discover no reason why the uniform declarations of the French Government should not be credited. There is no fact to contradict them."

"They fully agree with our great Revolutionary financier, Robert Morris, 'that, if any thing is due M. de Beaumarchais, the reputation of the country will be compromised until it is paid; that the payments of debts may be expensive, but that it is infinitely more expensive to withhold the payment.

The former is an expense of money, when money may be commanded to defray it; but the latter involves the destruction of that source from which money can be derived when all other sources fail. That source, abundant, nay, almost inexhaustible, is public credit. The country in which it may with greatest ease be established and preserved, is America; and America is the country which most stands in need of it.' In conclusion, the committee will remark that, in every point in which the case can be viewed by them, they are fully of opinion that the heirs of Beaumarchais are creditors of the United States."

To such an expose His Majesty's Government have nothing to add when they appeal to the equity of this Republic.

I have the honor to be, &c.

G. H. DE NEUVILLE.

The Baron de Neuville to the Secretary of State.

WASHINGTON, February 27, 1822.

SIR: I forgot to add to my letter of yesterday relative to the heirs of Beaumarchais—

1. The memoir or recital of the affair to 1817.
2. The President's Message of the 16th of January, 1818.

These pieces, which I have the honor to transmit to you, form, with the report of the committee of the House of Representatives of the 24th of February, 1818, the whole of the necessary documents. If they be not judged sufficient, if a careful examination of them do not produce deep conviction, it must be admitted, sir, that there are some prejudices which can never be overcome.

I dare say that truth never appeared more evident than in this unfortunate and interminable affair; why then does it meet with so much opposition?

Moreover, the heirs of Beaumarchais know that they will not in vain appeal to the justice of their judges: prejudice will never be able to overcome justice in their hearts; they, therefore, confine themselves to request of them a strict, a very strict examination of their claim: they only say to them, "We are ruined, because our father rendered services to the Republic, and our right is forgotten. Be pleased to read very attentively, and your justice will proclaim our right."

Accept, sir, the renewed assurance of my high consideration.

G. HYDE DE NEUVILLE.

Envoy Extraordinary, &c.

The Baron Hyde de Neuville to the Secretary of State.

WASHINGTON, March 30, 1822.

SIR: A report was put into circulation about two years since, that the heirs of Beaumarchais were no longer proprietors of their claim, and that it had been sold to a third party.

Even if this were true, it would not in any degree invalidate their title; but I can attest, in the most positive manner, that the report is perfectly ridiculous. The claim still remains the property of M. de Beaumarchais's daughter. I will add, that it is the hope; indeed, the only remaining hope of that interesting lady and of her family. Why should she cease to rely upon a title so perfectly legitimate? This would argue a want of confidence in the equity of a whole nation.

APRIL, 1822.]

South American Governments.

[H. OF R.]

The daughter of M. de Beaumarchais must therefore hope that justice will at last be done to her, and that, after suffering many privations, she will at last be able to hand down to her children the inheritance of her father.

Accept, sir, the assurance of my high consideration.

G. HYDE DE NEUVILLE.

The Message and documents were ordered to lie on the table.

South American Governments.

Mr. SMITH, of Maryland, moved a reconsideration of the vote taken on Saturday, by which permission was refused to the member from Virginia, (Mr. GARNETT,) to spread upon the Journals his reasons for voting against the resolutions of this House to recognize the independence of the South American Governments. After a few explanatory observations by Mr. GARNETT, the motion to reconsider was supported by Messrs. MEEBOKER, WRIGHT, MOORE, of Alabama, and WILLIAMS, of North Carolina, when the question was taken thereon and carried.

Mr. TAYLOR called for the yeas and nays, which were thereupon ordered.

Mr. T. thought it would be a precedent of a dangerous nature for the House to authorize a practice of this kind. If a member has a right to record his reasons for voting in the negative, it would be equally the right of those who voted in the affirmative, to spread their reasons on the record. The only case to be found, of reasons for a vote being spread upon the Journal, was that of Mr. Poindexter, then a Delegate from the Territory of Mississippi, having no right to vote, and whose motion respecting his own opinions was to be found on record. But that case was altogether different from the present, though the Delegate was not in that permitted formally to record his opinion. In the present case the member has voted; yet even that case admitted of much controversy and question. The vote of the gentleman from Virginia, (Mr. GARNETT,) was doubtless an independent and honest one, but he thought it impudent and improper to encumber the Journals with the speeches of members in support of their respective opinions.

Mr. MEEBOKER thought the permission that had been granted to the gentleman to vote the next day after this question had been decided, was affording a worse precedent than that which was now proposed.

Mr. FULLER remarked that this ought never to be a matter of courtesy, but should be either admitted or refused, as a matter of right at all times; and believing, as he did, that such a practice would be improper and inconvenient, he was opposed to its adoption.

Mr. CAMPBELL, of Ohio, was in favor of the motion, and believed that no danger was to be apprehended from the precedent, for questions of such grand magnitude very seldom occur.

Mr. NELSON, of Virginia, regarded the case

of Mr. Poindexter to be a precedent of authority. So also was that of General Reid, who, on this very question, had been permitted virtually to record his vote, even when absent from the House. And should it be said by a majority—if you will go with us, we will go to any length in assisting you to accomplish your wishes, but, if you have independence enough to vote in opposition to the sentiments of the House and the nation, we will withhold that privilege? Such a picture, he thought, ought not to be exhibited.

Mr. WARFIELD thought there could be no danger of the case being drawn into a precedent, for few questions occurred of so great importance as this, and it would always be in the power of the House to limit the privilege, if, in its operation, it should be found inconvenient. It was not now claimed on the ground of right, but of courtesy, and that courtesy had been accorded to several members of the House, in permitting them to vote after the time allowed by the rule.

Mr. TOMLINSON had made up his mind to vote in favor of the motion, but he would enter his protest against it as a precedent. He felt himself pressed to vote for it, on the ground that similar indulgences had been granted to others on this question, but he regarded it as a principle, which, if allowed to acquire the authority of precedent, would be attended with very inconvenient consequences.

Mr. TAYLOR made a few remarks in reply, and was followed by Mr. COLDEN against the motion, and by Mr. GILMER in favor of it, when the question was taken thereon, and decided in the affirmative—yeas 89, nays 71, as follows:

YEAS.—Messrs. Allen of Tennessee, Archer, Baldwin, Ball, Baylies, Bayly, Blackledge, Breckenridge, Buchanan, Burton, Cambreleng, Campbell of New York, Campbell of Ohio, Cannon, Conkling, Conner, Cook, Crafts, Cushman, Cuthbert, Durfee, Dwight, Edwards of Pennsylvania, Eustia, Farrelly, Gebhard, Gilmer, Gist, Gorham, Groes, Hall, Hardin, Hemphill, Herrick, Holcombe, Hooks, Jackson, J. T. Johnson, J. S. Johnston, Jones of Virginia, Jones of Tennessee, Kent, Kirkland, Leftwich, Litchfield, Long, Lowndes, McSherry, Mallary, Mercer, Metcalfe, Mitchell of Pennsylvania, Mitchell of South Carolina, Moore of Alabama, Morgan, Neale, Nelson of Virginia, New, Newton, Overstreet, Patterson of New York, Poinsett, Reid of Georgia, Rhea, Rogers, Ross, Ruggles, Russell, Scott, Sergeant, S. Smith, W. Smith, Alexander Smyth, Stevenson, Tatnall, Thomson, Tomlinson, Trimble, Tucker of South Carolina, Tucker of Virginia, Upham, Van Rensselaer, Walker, Warfield, Williams of North Carolina, Williams of Virginia, Worman, and Wright.

NAYS.—Messrs. Allen of Massachusetts, Barber of Connecticut, Barber of Ohio, Bateman, Bigelow, Blair, Borland, Brown, Burrows, Butler, Cassedy, Chambers, Cocke, Colden, Condict, Dane, Darlington, Denison, Edwards of Connecticut, Edwards of North Carolina, Findlay, Fuller, Harvey, Hawks, Hendrick, Hill, F. Johnson, Keyes, Lathrop, Lin-

coln, Little, McCarty, McCoy, McNeill, Matlack, Matson, Mattocks, Milnor, Moore of Pennsylvania, Murray, Patterson of Pennsylvania, Phillips, Pierson, Plumer of New Hampshire, Plumer of Pennsylvania, Rankin, Reed of Massachusetts, Rich, Russ, Sanders, Sawyer, Sloan, Arthur Smith, J. S. Smith, Spenser, Sterling of Connecticut, Sterling of New York, Stoddard, Swan, Taylor, Tod, Vance, Van Wyck, Walworth, White, Whitman, Williamson, Wilson, Wood, Woodcock, and Woodson.

Mr. GARNETT then submitted his declaration, which he had reduced to an abbreviated substitute for that proposed by him on Saturday, to be entered on the Journal, which was as follows:

I, ROBERT S. GARNETT, a member from Virginia, make the following declaration: That I voted against the recognition of the independence of the late American provinces of Spain, because, considering it a question of *policy*, not of *principle*, I believed that no immediate advantage could grow out of it to either country, whilst many considerations, affecting the interest of both, rendered it at this time inexpedient. I am not opposed to the independence of the late provinces; on the contrary, in common with the rest of my countrymen, I heartily rejoice in its accomplishment, and in the prospects of freedom and happiness which it opens to them.

WEDNESDAY, April 3.

Public Defaulters.

Mr. KIRKLAND submitted for consideration the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the punishment of such officers of the United States as are intrusted with public moneys by virtue of their office, who shall apply the same to any purpose or purposes incompatible with the duties of their office, whereby the United States shall sustain a loss.

In introducing the resolution—

Mr. KIRKLAND observed that, as the resolution contemplated introducing a provision into our laws of an unusual character, it might not be deemed improper for him to assign, briefly, a few of the reasons which have induced him to present it. I find, said Mr. K., 'from an examination of our statute book, that there is no provision for the punishment of public defaulters, and that they are not subject to any penalty for the misapplication and embezzlement of the public moneys intrusted to their care; and they are responsible only in a pecuniary point of view; that there is no remedy but a civil suit; pursued in the usual course between debtor and creditor, for the recovery of the money which has been misapplied by the officer; that there is no punishment, no penalty, but such as exists between debtor and creditor in the ordinary course of business in society. It is true, said Mr. K., that in some cases, security is required of the officer, for the faithful performance of his duties, but in most cases, perhaps nine out of ten, where the principal is insolvent, the security will be found unable to respond to the public; and if it

should sometimes fortunately happen that the security is solvent, what follows? A petition from the bail and his friends, setting forth, in strong language, the utter ruin of himself and family, if he is compelled to pay the money, and making a forcible, and frequently a successful, appeal to the sympathies of the House for relief. The consequence is, that, after great expenses incurred in the prosecution of both principal and security, we discharge the one, and cancel the bond of the other. It is not believed that there is enough collected from the public defaulters to pay the aggregate of the expenses incurred by the different prosecutions against the officers who have embezzled the public money.

It may be said, Mr. K. remarked, that you have the integrity of the officer; but this is found, in too many instances, a poor security indeed. The documents upon your table show most abundantly that little, very little trust, is to be placed in the integrity of many of your officers who are intrusted with the public money. Here you find defaulters for thousands and tens of thousands, amounting in the aggregate to millions. These documents, and the daily information we have in relation to the loss of our public money, furnish lamentable proof of the entire want of moral principles in many of the public officers, and a most shameful disregard of their public trusts. Your public defaulters are to be found, not only in the Army and Navy, but in the civil department—your collectors of the revenue, marshals, district attorneys, clerks of district and circuit courts, receivers of public moneys for the sale of lands, Indian agents, and those employed to pay the pensions given to Revolutionary soldiers. We have now, upon our tables evidence of one pension agent who has misapplied (if the report of our officer is true) ten thousand dollars of moneys placed in his hands to pay the veteran soldiers of the Revolution—an act that should brand him with perpetual infamy. The present laws are wholly inadequate to secure the Treasury from loss by the misconduct of the public officers. There is no provision adequate to effect this object. And while we are, upon one hand, busily engaged in devising ways and means to fill our Treasury; and while some of our most able, distinguished, and industrious members, are engaged unremittingly upon the subject of retrenchment in the public expenditures; and different committees are inquiring minutely, and with great vigilance, into the expenditures in the various departments of the Government—there is an imperious necessity for making some provision which shall more effectually guard the Treasury against loss by the embezzlement and misapplication of public moneys by those to whom they are intrusted. It would not upon this occasion, said Mr. K., become me to go minutely into the details of a law making the necessary provisions to guard our public Treasury, and to secure fidelity to the public officers. This would be the peculiar province of the highly respectable committee whose duty it will be by the resolu-

April, 1823.]

Public Defaulters.

[H. OF R.]

tion to make the inquiry, and to report a bill; but he could not forbear offering a few ideas upon the provisions which it may be found necessary to insert in the law. The officer intrusted with public moneys should consider the trust a sacred one; no temptation, however strong, should induce him to violate it. He ought to consider his obligation to the public paramount to every other. No other relation in society can have such strong claims upon him as the people for whose benefit the moneys are committed to his care; and he who will knowingly and deliberately violate a trust so sacred should be held infamous, and no longer be admitted into the society of the honest and virtuous part of the community. I would render him, said Mr. K., ineligible to any public office of honor, profit, or trust. I would immediately cause him to be dismissed from public employ. I would leave it discretionary with the court before whom he was tried, upon his conviction, to cause him to be fined, or imprisoned, or both, at the discretion of the court. Nay, sir, I would go somewhat further—I would leave it in the discretion of the court, in very enormous cases, to sentence the culprit to the penitentiary. I would place him beside the felon who counterfeits your coin, who alters your public records, and who forges your bank paper. This would not be too severe a punishment for him, who, in his wild speculations, has used your money to the amount of tens and hundreds of thousands—who has applied it to the aggrandizement of his family; and who has for years rioted upon the fruits of his iniquity, in living in splendor and show; and who, when he is called on to account, laughs at your public officer, and treats his calls for the public moneys with neglect and contempt.

As the law now stands, this very defaulter is eligible to public office; and it is not, if he (Mr. K.) was rightly informed, a very uncommon occurrence, that the defaulter and his friends are seen petitioning the Executive for public employ, and sometimes, he feared, with success. Public defaulters are now considered merely in the light of unfortunate debtors; as those who, in the course of their business, have, from events beyond their control, been rendered insolvent, and who are justly entitled to the sympathies, both of the public and of individuals. It is a shame, said Mr. K., that a public defaulter should, in the view of the laws, and in that of society, be placed upon an equal footing with an honest and unfortunate debtor, in whose behalf the whole community sympathize. It is time, high time, that the laws should speak a different language. If a provision had been inserted in your statute book, said Mr. K., at the commencement of the Government, similar in its provisions to the one contemplated by the resolution now presented, it would, in all probability, have saved to the nation many millions of the public money. Mr. K. anticipated from the adoption of the resolution (if the committee should report in conformity to it) very salutary

effects. The people of this country have a high sense of integrity. We boast, said Mr. K., of our public and private virtue; and it is time that we should, from our statute book, speak a strong and decisive language to all those who embezzle the public money. They should learn that they can no longer violate the sacred trust committed to their charge with impunity. Mr. K. concluded by observing, that he anticipated a unanimous vote of the House in the adoption of the resolution, and he hoped that the committee to whom it would be referred would find time to report a bill at the present session.

Mr. BASSETT was in favor of the resolution, but wished to extend it to those who had the public property in keeping, and he proposed a modification to that effect, by inserting in the body of the resolve the words "or with the safe keeping of public property;" which modification was assented to by the mover.

Mr. HARDIN was apprehensive that the punishment which seemed to be contemplated by the gentleman from New York (Mr. KIRKLAND) would be found too severe; and, in such cases, a law if too severe for public sentiment to sustain, would become a dead letter. Mr. H. did not think public sentiment was such as to brand the public defaulter with infamy. On the contrary, the proceeds of his defalcation support him, and enable him to drink his wine and give his dinners; nor would it be possible to put a man in the penitentiary merely for being a defaulter. Mr. H. adverted particularly to the case of the district attorneys, and thought the only course in relation to them would be to make them give bond for the faithful performance of their duties, and also to require, if they fail to account, that that failure should vacate their offices.

Mr. CONDIOT moved to strike out the words "by which the United States shall sustain a loss." Mr. C. was disposed to repress all speculation by the holders of the public moneys. The public moneys should be kept separate and sacred for the public service, and he would not suffer the public agents to use them for any other purpose, however well able they might be to replace them when called for.

Mr. KIRKLAND was not inclined to carry his prohibition so far. If the officers and agents of the Government can and do respond according to law, that, he thought, was all that need be required of them.

Mr. CONDIOT replied. Mr. F. JOHNSON also made a few remarks in favor of the proposed amendment.

Mr. MITCHELL, of South Carolina, also expressed himself in favor of the amendment. Looking over the document which had been referred to, (the list of unsettled balances,) he thought its contents were a disgrace to the Government—a libel on the country. Until he saw that document, he did not think that the country was capable of producing such a one.

Finally, Mr. KIRKLAND assented to the modification proposed by Mr. CONDIOT.

Mr. COOK proposed to add to the resolution

the following sentence: "And also, into the expediency of requiring all such officers to be dismissed from office upon failure faithfully to account for the money or property so confided to them." This proposition was agreed to by the House, and the resolution, as modified, was thereupon adopted.

THURSDAY, April 4.

Allowance of Pensions.

On motion of Mr. LONG, the House then took into consideration the bill to revive and continue in force certain acts concerning allowances for pensions upon a relinquishment of bounty lands.

Mr. LONG was in hopes that the bill would not meet with much opposition. If it ever was right (which he believed it was) to pass the law, it was right that all should equally have the benefit of it as intended. To this end it would become necessary to revive the law, as it had now expired, before they all had applied. If, however, gentlemen felt any disposition to vote against the bill, he hoped they would reflect, and see the situation of those poor widows and children as it would be if the House refuses to pass the bill. Congress, said he, has heretofore passed a law which held out to them some relief. We may naturally suppose that they have applied as soon as they knew there was a law for their relief; but, to apply effectually, it not only required some time, but was attended with considerable expense in getting their papers in due form, which was done generally by professional men; a class of men who are in the habit of being well paid for their services. In some cases the expense was more than those applicants were able to bear—and, after they had expended every cent they were worth in setting forth their claim, they are informed that the law has expired, and that they are not entitled to what was intended for them, merely because they have not applied within a certain day. It cannot be expected, said Mr. L., that a poor woman and children, settled down on some remote corner of the earth, constantly engaged at home in procuring bread, could know anything about the operation or existence of the laws of Congress. He hoped, therefore, that the circumstance of their not applying before the law expired, would not be urged as an objection to the passage of the bill, and that we should not be found ready to snap at this little advantage that may be here taken of the poor and ignorant. He was as much opposed to an improper expenditure of public money as any member of this House, and would go as far as any gentleman in his opinion ought to go to bring our expenditures within the amount of our revenue, which he conceived to be the indispensable duty of this House; but he could not consent to begin here, and withhold this pitiful sum from the widow and fatherless, who have lost him who ought to have been their protector, whilst engaged in the service of his country and protection of our lives and liberties.

The bill was thereupon ordered to be engrossed for a third reading.

FRIDAY, April 5.

General Appropriation Bill—Minister to Portugal.

Mr. MALLARY suggested that he was not satisfied that it was necessary to send a Minister to Lisbon, and that a Chargé des Affaires would perhaps be sufficient. He therefore called for information on the subject from the chairman of the Committee of Ways and Means.

Mr. SMITH, of Maryland, in reply to the inquiries of Mr. MALLARY, reviewed at considerable length the political and commercial relations which, for a long period, have subsisted between this country and Portugal. We had long exported, he said, vast quantities of flour to that country; but at length the Government laid a duty of \$2 per barrel on all the flour imported into that kingdom, from this country, and gave privileges and held out inducements to the nobility to erect mills, which was done, and they were in a great measure supplied with wheat from Poland. Our people exported no wheat. They manufactured it themselves; but the duty, which was intended as a prohibition, was severely felt, and our Government sent a minister to that Court to obtain a repeal of the duty. Ministers, however, are not always the best negotiators in mercantile concerns; and the object was not effected. But it was afterwards accomplished by a Consul General, who was thoroughly acquainted with commercial subjects, and the duty was taken off. Subsequently, the Court was removed to the Brazils, from which it has recently returned to Europe. But the duty of \$2 per barrel has been renewed for the purpose of encouraging agriculture, and of giving it a new direction, instead of cultivating almost exclusively the vine. The Government of that country has thought us to be hostile—particularly from the greater duties we have imposed upon the wines of Madeira and Fayal, than upon the wines of other countries. Large quantities of corn are sent from this country to Madeira; and they are understood to be about petitioning the Cortes to impose restrictions upon the importation of our corn; and the consequence may be, that we may be wholly deprived of the benefits of that trade. All attempts to reduce our enormous duties upon these wines have hitherto been ineffectual, because they are drank by the rich, without seeming to regard the importance of the trade. Mr. S. further observed, that he thought it expedient not to withhold the appropriation, inasmuch as the President had recommended the measure; and, should we refuse, the consequences and the responsibility of that refusal will rest upon us.

Mr. MALLARY remarked, that the object of sending Ministers abroad was for the purpose, either of policy or commerce. In relation to the policy, he thought a Minister was not necessary. The Government of Portugal was not

APRIL, 1832.]

General Appropriation Bill.

[H. OF R.]

formidable, either at sea or on land. With respect to commerce, it was evident, from the statement of the gentleman from Maryland, (Mr. SMITH,) that a commercial object, which a Minister could not effect, a Consul General was competent to accomplish. Mr. M. therefore thought a *Charge des Affaires* was adequate to the object. There were twenty places in Europe where we send no Minister, of more commercial importance to this country than Lisbon. Mr. M. adverted to a statistic report of the Secretary of the Treasury, to show the superiority of the trade of other countries; and he particularly referred to Holland, Denmark, and Sweden. The latter nation was certainly at least equal in dignity, and superior in strength to Portugal, and was as well entitled to expect a Minister from us as the latter Government; and with respect to the Brazils, he believed they would emancipate themselves from the control of the parent country, whenever they thought proper to dissolve the connection and assume their independence. Mr. MALLARY concluded by moving to transpose the word Lisbon, so as to provide for a *Chargé des Affaires* in that country instead of a Minister.

Mr. SMITH replied, by referring to the Message of the President of the United States at the opening of the session. He observed that Portugal had expressed a sincere desire to renew a friendly intercourse, and, he understood, had actually appointed a Minister to this country. The gentleman from Vermont (Mr. MALLARY) had said that the trade with Portugal was unimportant. He (Mr. S.) admitted it, and it was to restore it to importance that the mission was proposed. A *Chargé des Affaires* might be adequate if, as in the case of Sweden, a treaty was already subsisting; but we want a Minister to make a treaty, and a *Chargé des Affaires* may afterwards be sufficient.

The motion of Mr. MALLARY was further supported by Messrs. GILMER, HADIN, and ROSS, and opposed by Messrs. WRIGHT, POINSETT, BALDWIN, WOOD, RHEA, AROHER, FARRELLY, WOODSON, MERCER, and SMITH; when the question was taken, and the motion was negatived—
ayes 34.

The question for expenses of carrying into effect the fifth, sixth, and seventh articles of the Treaty of Ghent, being under consideration—

Mr. COCKE observed, that he should be opposed to making any further appropriation for that object, until he was informed that those commissioners had settled their accounts. They had heretofore been called on, but only one class of them, to his knowledge, had obeyed the call; and among the charges it included, was to be found expenses incurred for fish-hooks, and fishing nets, and bacon, hams, and other like items, that did not seem to be a proper expenditure for the nation. The business had been already protracted eight years, almost as long as it took to destroy Troy; and if we go on, said he, appropriating from session to session, it will become a life estate to those concerned. He was

averse to placing any more money in their hands, until they had accounted for what they had already received; and he moved to fill the blank with the sum of twelve thousand five hundred dollars.

M. F. JOHNSON adverted to the law of the last session that limits their allowance to a specific salary in lieu of all other expenses.

Mr. BALDWIN believed there had been too lavish an expenditure of the public money; nor would he now vote for the appropriation, did he not fear the public service might suffer from the delay a refusal of it might occasion. It was a business connected with a foreign power, and he wished the concern might be closed.

Mr. COCKE said we were told that the line could not be run in the winter, because the climate is too cold; and in the summer the commissioners, he understood, were frolicking at Ballston Springs. He thought it was high time that Congress should interpose, and prevent this waste of the public treasure.

Mr. WILLIAMSON remarked, that the people of Maine were as much dissatisfied with the progress of the commissioners as the people of the United States could be. He observed that, in a reply to a call which had been made on the Executive at this session, on the aspect of the fifth article, we had been assured that it would be concluded in the course of the ensuing spring. He thought, therefore, the most expedient course would be to make the appropriation called for, so as to have the business concluded without further delay.

The question was then taken on filling the blank with the sum of \$25,000, and negatived; and the blank was filled with the sum of \$12,500.

Boundary Line between the United States and Mexico under the Florida Treaty with Spain.

Mr. J. S. JOHNSTON, of Louisiana, said, as far as this appropriation is intended to cover the expense of running the boundary line established by the treaty with Spain between the United States and Mexico, it was unnecessary. This House, he said, had determined to recognize the independence of Mexico; it would involve an absurdity now to recognize the right of Spain to fix with us the limits of a country, over which all authority has ceased; to define the limits after she has ceased to exercise any other sovereignty there. This is a right utterly incompatible with the public rights of the independent Government that now reigns over it. If a commissioner was appointed by Spain as it is stated, he was named before the new state of things existed, and his powers would be recalled by Spain herself, as soon as it was known that she had no longer any interest in the question. The gentleman from Pennsylvania (Mr. BUCHANAN) had stated that the treaty was binding on Mexico, as Spain exercised sovereignty over it at the date of the treaty. That may be true, (said Mr. J.,) and Mexico will carry it into effect in good faith. There is no danger of her refusal to accept a treaty, which relinquishes our

right to her territory, and gives her six hundred miles of seaboard. She has very little objection to Spain giving us Florida, and leaving her the province of Texas. We claimed their country to the Rio Grande—by the treaty we have surrendered it. They do not claim our territory—we have relinquished our right to Texas. We have made the sacrifice, not they; all the country west of the Sabine is now a part of Mexico. Besides, said he, can we send agents to run and mark her limits, against her consent, without insulting her sovereignty, and violating her territory? What! send armed troops (as was intimated) into a foreign country, in defiance of the law of nations. This must now be a subject of arrangement with the Government of Mexico. It is better to leave it open; we have now nothing to lose; we have already lost all in that quarter.

A discussion of some length ensued, in which Messrs. COCKE, MILNOR, WALWORTH, BUCHANAN, SMITH of Maryland, WARFIELD, COOK, RHEA, and EDWARDS of Connecticut, took part; when the question was taken, and the modification adopted—ayes 78.

The question was then put on filling the blank with the sum of fifteen thousand dollars, and carried; when, the committee rose, reported progress, and obtained leave to sit again.

SATURDAY, April 6.

Appropriation bill—Repair of the Cumberland Road.

The House then resolved itself into a Committee of the Whole on the unfinished business of yesterday—the General Appropriation bill.

The clause to provide for repairing the Cumberland road being under consideration—

Mr. CONDIOT moved to strike out the clause. He said the United States had already expended enormous sums in the construction of this road, and he could not consent to impose on his constituents any further expense in repairing it.

Mr. BROKENRIDGE had not expected the opposition which the gentleman from New Jersey (Mr. CONDIOT) had made to the bill, and the manner was as unexpected as the matter. He has said that he is unwilling to tax his constituents for this object. Does not that gentleman recollect that the people of the West have been from time to time heavily taxed, to build fortifications on the seaboard, and support navies, in which they have no special interest? What would that gentleman say, if we should avow that we would pay no more for these objects, and urge for reason that we are far enough out of the way of an enemy, and therefore are not disposed to contribute to the common defence? This was a magnificent plan of connecting the Eastern with the Western States. It was creditable to the munificence and policy of the Government; and he would not ask whether it was expedient to suffer this valuable road to go to decay and ruin, rather than appropriate this trifling

sum to an object so important. It was the common property of the nation, and it could not be conformable to the interests of the country to break the chain that binds the Eastern and Western States together.

Mr. FARRELLY regretted that the gentleman last up should have introduced local considerations into this discussion. He did not understand in what way this appropriation found its way into the bill. He objected to the manner in which it had been brought forward, and thought it should be done by way of bill, as was done in the case of payment for horses destroyed in the Seminole campaign. Nor did he see how the repair of this road could come within the constitutional provision for the support of the Government. Mr. F. was willing to go as far on this subject as the compact required. The act of Congress on this subject, provided for the construction but not for the repair of the road. If this appropriation was made, it would be followed by similar calls from year to year to keep it in repair.

Mr. SMITH, of Maryland, explained the manner in which this provision had been introduced into the appropriation bill, which was in consequence of a resolution of the House, directing the Committee of Ways and Means to inquire into the expediency of applying the unexpended balance of former appropriations for this purpose. That committee had obeyed the direction of the House, and they thought themselves justified in that course, when they knew that \$1,000,000 had been expended by the United States in constructing the Cumberland road, and that it was now in a state of dilapidation. All the items of that amount had been made, from time to time, in the appropriation bills. The committee thought that sum would be well applied in repairing and protecting what it had cost so large a sum to construct. The superintendent had been consulted, and it appeared, from his statements, that the road, owing to the torrents, &c., in that mountainous country, will soon be impassable, unless the necessary repairs are made. The question, therefore, is, whether you will throw away what you have already done, rather than be at a little expense to sustain it.

Mr. CAMPBELL, of Ohio, thought the same reasons that had induced the Government to build the road, would now influence them to preserve it. He had recently travelled it, and he found that the first part made, wanted but little repair. That portion of it which was more recently constructed, naturally required attention. The hills slide down, and the road is filled up, so that repairs are necessary. Mr. C. contended that the road was valuable to the United States, inasmuch as it rendered the public lands more accessible; and the people of the West had a right to expect this small appropriation for such an object. If a large appropriation was asked for, it would be, perhaps, expedient to pause. But the small sum of \$9,000 is all that is now required, and probably not even

APRIL, 1822.]

General Appropriation Bill.

[H. OF R.]

so large a sum as that will be necessary in future years, after the road shall have been thoroughly completed.

Mr. MALLARY was also opposed to the motion to strike out this clause of the section. The facts, he observed, were familiar to the House. The Government had expended \$1,800,000 on this road, and the policy of this expenditure had been repeatedly confirmed. It was now out of repair, and there were no means provided to maintain it. The first question, then, was, whether it was an object of sufficient consideration to authorize this appropriation? It was admitted to be the great chain to bind the East and West together, and for the accomplishment of that object much depended on the facility of communication. The House had been called on in this very bill to appropriate the sum of \$6,000 to pay John Trumbull for a national painting. They had done it. And was it not an object at least as national and important to preserve the great avenue to the West? We annually appropriate thousands, said Mr. M., for the completion of this stupendous pile, the Capitol. And is not the Cumberland road as valuable a monument of national policy and munificence? When we appropriate so much to construct the road, he thought it worth while to contribute a pittance to save it. The people in that region, Mr. M. contended, had calculated, and prudently calculated, that the Government would not be at so much expense to construct the road, and then abandon it. He thought it was now ungenerous, if not unjust, to disappoint their expectations. The road from Philadelphia to Pittsburg was a great thoroughfare for the State of Pennsylvania; and it was not surprising, therefore, that the people of that State should not view the road with an eye of complacency. It was correct. It was natural for them to regard primarily their own interests. But the nation had decided in favor of the Cumberland road, and he thought it was expedient that Congress should not now depart from that decision.

Mr. STEWART rose to disclose some facts that were within his personal knowledge and observation. This road he observed, was completed the last Summer. Every Congress, for the last ten or twelve years, influenced by a liberal and enlightened policy, had appropriated money for its construction. It was now asked, merely to apply to the reparation of the road an unexpended balance which had previously been appropriated for its completion, and a trifling sum to erect a bridge. It was not expected, with this sum, to make durable repairs of stone, but to remove obstructions, and put it in passable repair, until Congress should make some permanent provision on the subject. In some places the hills had slipped and filled the road; in others, the road has given way and precipitated so as to become almost impassable. The consequence has been, that the public travel and the public mail have been seriously obstructed. It had been said by his colleague, (Mr. FARREL-

LY,) that the people living on the road should repair it. But it would be recollected that this road was made over a mountainous, and, to a considerable extent, an uninhabited country. A considerable part of it passes through Pennsylvania, which, as a State, is known to be hostile to it. The gentleman (Mr. F.) has stated that it is destructive to Pennsylvania; she has \$600,000 of stock in her own road, running from Philadelphia to Pittsburg; yet he says that, if the road could not support itself it ought to be given back to the State of Pennsylvania; this, by the gentleman's showing, would be to give the lamb to the keeping of the wolf. Such a course could not be required nor justified. This was a national road. It was built for a national purpose, and in a spirit of national munificence. And the important question before us now is, whether the whole object for which the expense was incurred shall be lost, for want of a trifle to repair and preserve it. We have been told, however, said Mr. S., that the money heretofore appropriated has been improperly expended. For the sake of argument, be it so; and what then? Is that a reason for abandoning the road? Large sums, also, have been appropriated for the erection of the spacious building in which we sit. But shall we stop the work because it may be suggested that some of the agents employed had been unfaithful to their trust? Should we relinquish the completion of this stupendous fabric, and leave it roofless, merely because there may have been extravagance and want of economy in the application of the public moneys?

Mr. BALDWIN remarked that, when it was stated that two counties had produced 871,000 barrels of flour and 28,000 barrels of whiskey in a year for market, he thought it was too much to say that they were so poor that they could not repair the slip of hill that had fallen into the road. When a particular object was to be carried, it was not uncommon to excite a clamor, in order that the real question might be lost sight of. The cry of mad dog was raised, the better to elude inquiry. The gentleman in favor of the appropriation had talked much of this as a national road and a national object, and of the illiberal, local views of those who oppose it. But gentlemen should recollect that there is a wide difference between the victims and the favorites of the Government. This road had gone far to desolate ninety miles of the mountainous part of Pennsylvania. Was it then to be expected that it could be viewed by that State with indifference? Even the worm that is trod on has the right to groan. When the last appropriation was made for the Cumberland road, a pledge was given that no more should be asked for. But now it is openly avowed by the gentleman from Ohio, (Mr. CAMPBELL,) that this is to be followed by future appropriations, and to be sustained by the nation as a perpetual charity. And why should this be done? If it is so valuable, why can it not support itself? Where the Cumberland

road passes over the mountains, the country is not more barren than the corresponding country where the Pennsylvania road crosses them. But we are told that this is a connecting chain that binds together the East and the West. It is a singular chain, indeed, that is broken in the middle. What is the situation of the road between Hagerstown and Boonsborough? Little better than a mud hole or a swamp. This is a part of the chain. And where are the chains to connect the other parts of the country? By what national road are the North and the South connected? What national road runs to the East? Is this the only national object which the Government is authorized to foster? The House are now to decide an important question—Whether a part of the country that lives upon and grows rich by this road, shall be exempted from the expense of keeping it in repair?

The motion to strike out was further supported by Mr. WOODCOCK, of New York, and opposed by Mr. WRIGHT, and Mr. WARFIELD, when the question was taken thereon, and carried—ayes 70.

MONDAY, April 8.

Territory of Florida—The Temporary Act for its Government—President's Understanding of the Act, which was to continue the Existing Spanish Government, administered by our Officers, until Congress had time to Provide Territorial Government more Congenial to our own Institutions.

A Message from the PRESIDENT OF THE UNITED STATES, received on Saturday last, was read, and is as follows:

To the House of Representatives of the United States:

I communicate herewith to the House a report from the Secretary of War, containing information requested by their resolution of the 5th ultimo.

It may be proper further to add, that the secretaries of both the Territories have occasionally required and received the aid of the military force of the United States, stationed within them, respectively, to carry into effect the acts of their authority.

The government of East and West Florida was, under the Spanish dominion, almost exclusively military; the governors of both were military officers, and united in their persons the chief authority, both civil and military.

The principle upon which the act of Congress, of the last session, providing for the temporary government of the newly ceded provinces, was carried into execution, has been communicated to Congress in my Message at the opening of the session. It was to leave the authorities of the country, as they were found existing at the time of the session, to be exercised until the meeting of Congress, when it was known that the introduction of a system, more congenial to our own institutions, would be one of the earliest and most important subjects of their deliberations. From this, among other obvious considerations, military officers were appointed to take possession of both provinces. But, as the military command of General Jackson was to cease on the 1st of

June, General Gaines, the officer next in command, then here, who was first designated to take possession of East Florida, received from me a verbal direction to give such effect to any requisition from the Governor for military aid, to enforce his authority, as the circumstances might require. It was not foreseen that the command in both the provinces would, before further legislation by Congress on that subject, devolve upon the secretaries of the Territories, but, had it been foreseen, the same direction would have been given as applicable to them.

No authority has been given to either of the secretaries to issue commands to that portion of the Army which is in Florida; and whenever the aid of the military has been required by them, it has been by written requisitions to the officers commanding the troops, who have yielded compliance thereto, doubtless under the directions received from General Gaines, as understood by him to be authorized.

Shortly before the meeting of Congress, a letter was received at the War Department from Colonel Brooke, the officer commanding at Pensacola, requesting instructions how far he was to consider these requisitions as authoritative; but the assurance that a new organization of the government was immediately to be authorized by Congress, was a motive for superseding any specific decision upon the inquiry.

JAMES MONROE.

WASHINGTON, April 5, 1822.

Commissioner of Public Buildings.

Mr. BLACKLEDGE from the Committee on the Public Buildings, who were instructed "to inquire into the expediency of transferring the duties heretofore performed by the Commissioner of the Public Buildings to the principal architect," made a report thereon, accompanied by a bill fixing the compensation of the said commissioner; which bill was read twice, and committed to a Committee of the Whole. The report is as follows:

The Committee on the Public Buildings, to whom was referred a resolution of the 2d of April instant, directing an inquiry to be made "into the expediency of transferring the duties heretofore performed by the Commissioner of the Public Buildings to the principal architect," report:

That, by an act of Congress, passed on the 16th day of July, 1790, the President of the United States was authorized to appoint, and keep in appointment so long as might be necessary, three commissioners, whose duty, among other things, it was made by the said act, (according to such plans as the President should approve,) to provide suitable buildings for the accommodation of Congress, and of the President, and for the public offices of the Government of the United States. The office of the commissioners, created by the above-mentioned act, was abolished by an act of Congress passed on the first day of May, A. D. 1802; and the affairs of the city of Washington, which had been under the care and superintendence of the commissioners, were placed under the direction of a superintendent, appointed by and acting under the control of the President of the United States. The superintendent was invested with all the powers, and charged with the performance of all the duties of the commissioners, by or in virtue of any act of Congress, or any act of the General Ad

APRIL, 1832.]

Appropriation Bill—Stoppage of Pay to Defaulters.

[H. OF R.]

sembly of Maryland, or any deed or deeds of trust from the original proprietors of the lots in the said city, or in any other manner whatever. The salary of the superintendent was fixed by the act of the 8d of March, 1803, at twelve hundred dollars per annum, besides contingent expenses.

By the act of April 29th, 1806, the office of superintendent was abolished, and the President of the United States, by and with the consent of the Senate, was required to appoint one commissioner, who shall hold no other office under the authority of the United States; who is allowed a salary of two thousand dollars, and who shall perform all the duties with which the three commissioners were charged, and the duties of the superintendent. It is the duty of the Commissioner of the Public Buildings to select and appoint the architect and all other agents engaged in the public buildings, to fix their compensation, to determine the number and description of workmen to be employed, and their pay, to provide and purchase materials, to inspect the plans and execution of the work, and to have the general regulation and superintendence of the whole. It is his duty to make all the disbursements of money, either on account of labor or materials, to procure regular vouchers for the same, and to account at the Treasury for all sums appropriated to objects within his department. It is also his duty, as superintendent of the city of Washington, to see that the plan and regulations are observed, to attend to the sale of public lots, to collect and account for the proceeds thereof, to make, under certain circumstances, streets through, and footways in front of the public grounds, and to have the care and management of those grounds. It is also understood, that the United States are parties to the several suits now pending to try the right to the property in the city of Washington, of a considerable amount, the care and management of which suits appertain to the Commissioner of the Public Buildings. It may not be thought irrelevant here to refer to a report made by the Commissioner of Public Buildings, to the House of Representatives, during the present session, in relation to the public lands in the city of Washington, by which it appears, "that of the building lots there remain unsold about the number of 5,150, the reservations, containing together 541 acres, 1 rood and 29 perches, or 23,584,745 square feet, equal to 4,479½ standard lots; that the average price of the public lots heretofore sold is \$180 per lot, and at this valuation the whole of the grounds belonging to the United States in the city of Washington, amount to one million seven hundred and thirty-three thousand three hundred and ten dollars." There is no such officer created by law as an architect of the public buildings, but it is the duty of the Commissioner of Public Buildings to employ an architect, when necessary, as it is his duty likewise to employ all other necessary agents; and when the public buildings shall be completed, the services of an architect may be dispensed with. From the view which the committee have taken of the duties of the Commissioner of the Public Buildings, taking into consideration the quantity and value of the public property subject to his care and management, they cannot resist the impression that the office is a necessary one, that its duties are important, and that it is inexpedient to transfer them, as proposed by the resolution. The committee, however, being anxious to retrench the expenditure of the public money, where it may be done without sacrifice of the public inter-

est, and believing that the duties of the Commissioner of the Public Buildings are less arduous than they formerly were, in consequence of the progress made towards the completion of the buildings, recommend a reduction of the salary of the commissioner to the sum of fifteen hundred dollars per annum, and for that purpose have directed that a bill be reported.

Monument to Baron De Kalb.

Mr. WRIGHT, pursuant to notice, asked leave to introduce a bill to erect a monument to the memory of the late Baron De Kalb. Mr. W. produced the proceedings of Congress of 1780, as follows:

Resolved, That a monument be erected to the memory of the late Major General Baron De Kalb, in the city of Annapolis, in the State of Maryland, with the following inscription:

Sacred to the Memory of the Baron De Kalb,
Knight of the Royal Order of Military Merit,
Brigadier of the Armies of France,
and

Major General in the Service of the
United States of America.

Having served, with honor and reputation,
for three years,

He gave a last and glorious proof
of his attachment to the liberties
of mankind and the cause of America,
In the action near Camden, in the State of S. Carolina,
On the 16th April, 1780.

When, leading on the troops of
the Maryland and Delaware Lines
against superior numbers,

And animating them by his example,
to deeds of valor,

He was pierced with many wounds,
and on the 19th following expired,
in the 48th year of his age.

The Congress of the United States of America,
In gratitude to his
zeal, services, and merit, have decreed
This Monument.

Having read this resolution, Mr. W. said he believed it to be his duty, as a Representative of the State of Maryland, to fulfil the engagement of those patriots of the Revolution who achieved our independence, in a case like this, where they intended to honor a hero of a foreign clime, who shed his blood for the liberties of America; especially as, in doing this, they perpetuate the services of the Maryland and Delaware lines, who distinguished themselves on that occasion. The small sum requisite to do this business, he was sure; would not influence any member of the House against carrying into effect the grateful intentions of those patriots who declared us independent.

[The House refused to consider Mr. W.'s motion—ayes 26.]

Appropriation Bill—Stoppage of Pay to Defaulters.

Mr. COOK submitted the following as a proviso to the bill:

"Provided, however, That no money appropriated by this act shall be paid to any person for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable."

The question being taken on this proviso it was carried without a division.

The committee, on motion of Mr. SMITH, of Maryland, then rose and reported the bill as amended.

TUESDAY, April 9.

Prohibition of Advances, unless in Extraordinary Cases, and Prompt Settlement of Public Accounts.

Mr. BASSETT submitted the following resolutions:

Resolved, That in all future transactions of the Government, either where services are to be rendered, or supplies furnished, no money shall be advanced by the Government, or payments made, but in exact proportion to work done, or services rendered, or supplies furnished, before such payment.

Resolved, That when any officer, or other agent of the Government, shall fail to settle his accounts within the period prescribed therefor, it shall be the duty of the Secretary, or the head of the Department in which it shall occur, to dismiss such officer immediately, and in those cases where the power to dismiss is not in the head of the Department, it is hereby made his duty to report such case to the President, whose duty it shall be to dismiss such officer or agent from the service of the Government.

Resolved, That the President may, for the payment of pensions, military pay, and supplies, order such advances to be made as the public service may imperiously require, and shall have like power to order such necessary advances as the public good may imperiously require in the remoter points of the United States, or without the United States, but no such advances shall be made on contracts hereafter to be made with the Government; all advances made under this authority shall be accounted for within the period prescribed, and shall, on failure, be subject to the penalties prescribed in other cases.

Resolved, That all officers, agents, or contractors, of the Government, shall, if within two hundred miles of the seat of Government, settle their accounts once in every quarter; if within four hundred miles, in four months; if within five hundred, five months; if within the United States, six months. And all such officers or agents of the Government, to whom it may be necessary to advance money without the United States, shall be held to make settlement in three months after their return to the United States.

Resolved, That the President and heads of Departments apply these principles, in an equitable manner, to all persons now indebted to the United States.

Mr. B. explained briefly his views in offering the resolutions, and concluded by moving that the same be laid on the table; which was agreed to.

Appropriation Bill.

The House then agreed to resume the consideration of the bill making appropriations for the support of Government for the year 1822; and the immediate question was, upon a concurrence with the Committee of the Whole in strik-

ing out the appropriation for the repair of the Cumberland road.

Mr. F. JONES concluded his speech of yesterday, and called for the yeas and nays on the question; which were thereupon ordered.

Mr. BUCHANAN said he should make no apology for rising to address the House upon the present occasion. The character of Pennsylvania, he said, had been attacked, and her views had been misrepresented, by honorable gentlemen upon this floor; and he should feel himself utterly unworthy of the trust reposed in him, as one of her representatives, if, after what had been said, he were not to stand forth in her defence.

As it often happened, said Mr. B., that men are most afflicted by imaginary diseases, so it occurs that they most dread imaginary dangers. This has been the case with the gentleman from Tennessee, (Mr. JONES.) He has been grappling with the State of Pennsylvania, as though she stood ready to hurl the mountain into the Cumberland road, described by the gentleman from Maryland, (Mr. BAYLY,) and he were the Atlas who could sustain it upon his shoulders, and thus make the attempt unavailing. This fancy of the gentleman has produced an excellent speech. Indeed, without much imagination and ardor of feeling there can be but little eloquence. Let me, however, assure that gentleman and this House, that neither Pennsylvania nor her representatives dream of the destruction of the Cumberland road.

The gentleman from Tennessee, (Mr. JONES) and the gentleman from Kentucky, (Mr. HARRISON,) have ingeniously attempted to connect the grant of this appropriation with the preservation or destruction of this road. They have asked us if we will now destroy that great national work—if we will close the avenues which keep the intercourse open between the East and the West. I answer, we will not. We all admit that the road should be preserved. The question now to be determined by this House, is not whether the road shall be destroyed, but by whom shall it be repaired? whether by the United States, or by the people who use, and for whose benefit it was constructed. The National Government have made the road at an expense of \$1,000,000. Notwithstanding all that has been said by gentlemen about the existence of a compact for that purpose, it now appears that five-sixths of this enormous expenditure has been pure bounty. It has been stated, and not contradicted, that the two per cent. upon the whole amount of the sales of lands of Ohio, which was the sum pledged for the purpose of making a road, does not exceed \$300,000. The United States then, in the construction of the Cumberland road, have been actuated by the most liberal policy towards the people of the West.

What has been the principal argument urged by gentlemen friendly to this appropriation, to induce us to keep the road in repair? In my opinion it is one of the most wonderful which

APRIL, 1822.]

Appropriation Bill.

[H. OF R.]

has ever been presented to this House. Say they, because you have made the road, you should, therefore, be at the expense of supporting it. Is not this a conclusion directly the reverse of one which would naturally flow from the premises? If we have been so generous as to make a road for you, ought you not, at least, to keep it in repair? If tolls could not be collected upon it sufficient for its preservation, there would be some force in the argument. This, however, is not pretended. Indeed, we should be almost induced to believe, from the representations of its friends, if we did not know to the contrary, that it was the only road which connects the West with the East.

In what estimation would an individual be held who had received as a free gift a valuable farm, if, when, in the lapse of time, it needed repairs, he should demand from his benefactor the sum which they might cost, and assign his generosity in conferring the original bounty, as a reason why he was bound to satisfy this new claim? The present is a case precisely parallel with the one now before the House, so far as it goes. The gentleman from Kentucky, (Mr. HARDIN,) and the gentleman from Tennessee, (Mr. JONES), have gone still further, and have attributed not only to my colleagues who have heretofore addressed you on this subject, but to the State of Pennsylvania generally, a selfish and illiberal policy, because they have resisted this unreasonable demand. With what justice the charge has been made remains for this House to determine.

Gentlemen have instituted comparisons between the amount of public money expended for the benefit of the people in the East and in the West. As a present consolation for the disparity in this respect, which the gentleman from Kentucky (Mr. HARDIN) supposes to exist in favor of the East, he has predicted that the day will ere long arrive when the weight of power shall be transferred to the West. It is because my feelings are all friendly to that portion of our Union, that I dislike to hear such sentiments from sources so respectable. Gentlemen, without intending it I am convinced, have been thus endeavoring to excite jealousies between people, whose feelings and whose common interests are both precisely the same.

With what justice has it been contended by gentlemen, that the money expended in the construction of a navy, has been exclusively for the benefit of the Eastern section of the Union? Although it is now generally admitted that a navy is the best defence for all parts of the Union, yet it is peculiarly the bulwark of the country west of the Alleghany mountains. The extent of coast upon the Atlantic, would render it impracticable for any hostile naval force altogether to prevent us from sending a portion of our produce to market; but let the mouth of the Mississippi be blockaded by a force of that description, superior to our own, and, I ask, what will become of all the surplus agricultural productions of the vast and fertile

valley watered by that river and its tributary streams? The truth is, we are all so connected together by our interest, as to place us in a state of mutual dependence upon each other, and to make that which is for the interest of any one member of the federal family beneficial, in most instances, to all the rest. We never can be divided without first being guilty of political suicide. The prosperity of all the States depends as much upon their Union as the human life depends upon that of the soul and the body.

The State of Pennsylvania, about the illiberality of whose views on this subject so much has been said, never has acted towards you in the manner those interested in the Cumberland road have done. Had you advanced us the money to construct a road which would have been advantageous to our citizens generally, you should never afterwards have been asked to advance money to keep it in repair. We should have considered such a request both ungrateful and unjust. The citizens of that State, with the aid which she has liberally bestowed, have already completed eighteen hundred and seven miles of turnpike road, of which about twelve hundred and fifty are of solid stone. Laws have been passed for the construction of seven hundred and fourteen miles more. The State has expended upon these objects \$1,361,542, and individuals, \$4,158,847. One of these roads runs nearly parallel with the Cumberland road, and connects the city of Philadelphia with that of Pittsburgh. The gentleman from Tennessee, two years ago, found this road to be a bad one. The temper of mind with which people travel has a wonderful effect upon their judgment of the road, and I fear this cause has operated, in no small degree, upon the mind of my honorable friend.

It is expected that this road, as well as all others of the same kind in Pennsylvania, shall not only support itself, but yield some small dividend upon the stock subscribed for its construction. I ask, then, with what justice towards that State can you repair the Cumberland road out of the Treasury, and make it perfectly free? Even after you shall have placed toll gates upon it, there will be no fair competition. No more toll will be collected upon it than will be necessary for its preservation, whilst our road, in addition to that amount, must pay an interest to the State, and to the stockholders. With what propriety, then, can Pennsylvania be censured for maintaining the principle, that those who travel upon the Cumberland road, and are most interested in its preservation, should keep it in repair. She does not deserve, at your hands, that you should give a premium out of the public treasury, for the purpose of diverting travellers away from her road, and inducing them to use another which is in no respect superior. It will not be denied but that, in times of trial, she has both fought and paid with as much alacrity as any other State in the Union.

Notwithstanding all that has been said, I believe, as firmly as I do in my existence, that the friends of this road might with safety retrocede it to Pennsylvania. It would not be delivering up the lamb to the wolf, to use the expression of an honorable gentleman. Pennsylvania is now no more governed by a selfish policy, than when she ceded to the United States the soil over which the road passes. She then understood her true interest as well as now. There certainly has been nothing in her conduct since, which could induce a rational belief that she would destroy this great public work, if it were placed in her power. In that case she would do nothing more than impose a toll upon it, sufficient to create a fair competition between it and her own road; and then leave the public to decide which they would use. We do not, however, ask for a retrocession; all we desire is, that the road may hereafter support itself, and not be a perpetual drain upon the public treasury.

The existence of this road, I can assure gentlemen, is not a subject of such alarm to the State of Pennsylvania, nor to her metropolis, as they suppose. Whilst Philadelphia shall deserve the character which she has so justly acquired for commercial integrity, she will always find customers in the West, no matter over what road they may travel. Her experience has already proved the truth of this assertion. It is devoutly to be wished, both for the sake of her merchants and those of the West, that, hereafter, the latter may be able to comply with their contracts better than they have done heretofore. In making this observation, I have not the most remote intention of giving offence, because I know that the pecuniary embarrassments of people of the West arose from causes, the operation of which they did not at first foresee, and could not afterwards control.

We have all, then, arrived at this conclusion, that the road shall not be suffered to go to ruin. Whatever doubts may at present be entertained, either of the policy of its original construction or location, about which I have my own opinion, we must not now allow it to be destroyed. Before toll can with justice be demanded from travellers, it must be repaired. The mountain, which it is said has slid down into it, must be removed. From motives of generosity to people of the West, and not of justice, I am, therefore, free to acknowledge, that I am willing a provision shall be introduced into the bill for the collection of tolls, appropriating to the road this unexpended balance of \$9,194 25. After, however, we shall have given them that amount and our blessing, it should be explicitly understood that we shall never again hear any more demands for money from that quarter on the same account.

Mr. BAXLY, of Maryland, said: Mr. Speaker, I have not heretofore occupied as much of your time upon the floor as some other gentlemen have done, but shall, upon this question, give you a little of my slang. I consider this road a

great national object. Some gentlemen take the liberty of talking a great deal without knowing much of the subject, and some of the newspapers have styled this the wisest Congress we have ever had; and, if being dilatory in action is a mark of wisdom, it is eminently entitled to that appellation—in truth, we are a talking people, and take a long time to consider upon the most trifling appropriation. What is this \$9,000, compared with its object? Let us give it to them to make a good road, which will facilitate the intercourse between the East and the West, and diffuse knowledge. Some of our brothers in the West must stand in need of intelligence, otherwise they would not oppose the completion of this road. If we have not the means of communication, we shall in time become divided, and think we have separate and distinct interests. The Union cannot be preserved, except by commercial intercourse, and a free and easy commerce will always keep us united. Why was Alexander called “Alexander the Great?” Not solely because he conquered the world, but because he connected together all parts of the world, in a grand commercial system—he built Alexandria, and associated his name with the great system of international knowledge and profit, of which he was the author. That is the true reason he has been universally called the Great. Nations whose interests are not united by commerce, become prejudiced, and despise and kill each other.

Pennsylvania, from her opposition, would seem more willing to put a mountain in the middle of the Cumberland road, than to repair it. A large portion of that State does not, nor never did, like this road; that is, the Pittsburg interest does not, because it does not pass through that town. Is this road exclusively advantageous to that part of Pennsylvania and Philadelphia? That is the question with them. I am myself perfectly disinterested, living upon the Atlantic, having never been on this road, and perhaps never shall, for I have no intention as yet of becoming an emigrant, and regret that, at present, such a mania prevails in the Atlantic States, of sinking fortunes in the western wilds; but I have no doubt that, in time, the tide will change, and these emigrants will see their error, and wish to return to the delightful land of their fathers, and then let them have a good road and bridges to facilitate their return. The distinctions of Northern, Eastern, and Western, or men of the woods, should be deprecated. We should be but one people, Americans—and this desirable object is to be attained and preserved only by keeping up an easy and comfortable communication, and reciprocating benefits and favors to one another, and then we shall find that we think, feel, and speak alike. Ecod! then we shall be very good friends. Mr. Chairman, I only speak in the language of our brethren from the West. This is a great national object, and connected with the Chesapeake and Delaware canal, which can

APRIL, 1832.]

Appropriation Bill.

[H. OF R.]

be easily effected, will unite, by an easy passage, the Western country with the whole Atlantic coast. New York is cutting a magnificent canal, for which she is entitled to great credit, but some of her great men here think that it goes round the world, and that no other national improvement is worthy consideration. Her politics seem to be bounded by De Witt Clinton and Daniel D. Tompkins, and all public improvements to end with this canal. She has wise men too, wiser, no doubt, than she has sent here for these two or three years. However, that State is great in resources, but she has received a little help in making her canal by her salt, and Saratoga waters, and tax upon travellers in steamboats. But this has not much to do with the subject. This road ought to be repaired, and then kept up by a toll. There should likewise be a good bridge over the Monongahela; and, instead of forty thousand dollars to build a wooden one, there should be one hundred and forty thousand to make a good substantial stone bridge—a good road, bridges, and canals, connecting the East with the West, will enable all parts of the country to lend speedy aid and assistance to each other, when they shall stand in need in the hour of battle.

The objection against making this appropriation upon constitutional ground, comes too late; the road and bridges are nearly finished, and the appropriations heretofore made have been sanctioned by Presidents Jefferson, Madison, and Monroe, and by many Congresses. There is, however, now, rarely an appropriation that can be thought of, but some gentleman has constitutional scruples, and one would suppose that, in Virginia, from the nice scruples manifested by some of her members, that it is there thought to be unconstitutional to have or to travel upon a good road. Mr. B. said, that he had merely risen to assist his Western brethren, that he had not any personal interest in the business, and that he believed that the gentleman from Richmond here, (who sat before him,) was in the same situation, and that he hoped that he would lay aside his constitutional scruples, and lend his assistance.

Mr. CHAMBERS, of Ohio, observed, that he regretted much to rise at that period of the debate, and swell the list of speakers on the subject before the House, but, lest he should be thought indifferent to the fate of the present question, he felt it a duty to offer a few remarks against a concurrence with the Committee of the Whole in striking out the appropriation for repairing the Cumberland road. He was the more induced so to do, from observing so great an opposition in many parts of the House to granting this pittance, which, although deemed of immense importance in promoting the views and interests of the people of the West, was so small as scarcely to be worth contending for. We do not claim this appropriation as a matter of absolute right, but appeal to the liberality of the representatives

of this nation for a small share of the general benefits. He hoped that, independent of constitutional objections, which he would not now argue, the present state and condition of the road, and the necessity of a prompt repair, which could be timeously effected in no other way, would be sufficient to induce the liberal and enlightened representatives of this nation to maintain this work, heretofore generally considered as of a national character.

Mr. WOOD, of New York, stated that he should have given a silent vote, had not the gentleman from Tennessee (Mr. JONES) challenged those who were opposed to this appropriation to give the reasons for their opposition.

He had constitutional scruples as to the power of Congress to make the appropriation; the advocates of the appropriation had obviously confounded the power of the State and General Governments, as well as the constitutionality and policy of the measure.

Mr. W. observed, that the subject-matter of the present discussion was a branch of the general subject of internal improvements; that these were physical or moral; that the first head comprehended roads, bridges, and canals; and the second, literary institutions, religious and scientific establishments, corporations for mechanical, manufacturing, charitable, and other purposes, calculated to enlighten the public mind, improve the morals, invigorate the industry, and ameliorate the condition of society.

The real question, therefore, before the committee was, have Congress the power to legislate upon the subject of internal improvements within the States?

Mr. W. concluded by saying that what he had stated was in justification of the vote he should give on the question before the committee; it was not the amount of the appropriation, but the constitutional principle that would be violated, that rendered it important—that he had barely suggested the outline of an argument without detail or illustration—that, to save the time of the House, he forbore to enter further into the subject. He repeated that these were his views of the constitution, which he was bound to support, and that the advocates of the appropriation must either remove his objections or excuse his vote.

Messrs. PLUMER of New Hampshire, REID, RHEA, MILNOR, and SERGEANT, expressed their opinions in favor of the concurrence; and Messrs. ROSS, WRIGHT, HARDIN, NELSON of Maryland, STEWART, and SMITH of Maryland, against it; when the question was taken thereon, and decided in favor of the concurrence—yeas 105, nays 58, as follows:

YEAS.—Messrs. Alexander, Allen of Massachusetts, Archer, Baldwin, Ball, Barber of Ohio, Bassett, Bateman, Blackledge, Blair, Borland, Brown, Buchanan, Burrows, Burton, Cambreleng, Cannon, Cassedy, Cocke, Colden, Condict, Conkling, Conner, Crafts, Denison, Dickinson, Durfee, Eddy, Edwards of Connecticut, Edwards of North Carolina, Eustis, Farrelly, Findlay, Fuller, Garnett, Gebhard, Gilmer, Gist,

Gorham, Gross, Hawks, Hemphill, Hobart, Hooks, Hubbard, Keys, Kirkland, Lathrop, Leftwich, Lincoln, Long, McCarty, McCoy, McDuffie, McNeill, McSherry, Matlack, Matson, Mattocks, Milnor, Mitchell of Pennsylvania, Moore of Pennsylvania, Morgan, Murray, Nelson of Virginia, Overstreet, Phillips, Pierson, Plumer of New Hampshire, Plumer of Pennsylvania, Reed of Massachusetts, Reid of Georgia, Rhea, Rochester, Rogers, Ruggles, Russ, Russell, Sanders, Sergeant, Arthur Smith, Alexander Smyth, Spencer, Sterling of Connecticut, Stevenson, Stoddard, Swan, Taylor, Thompson, Tod, Tucker of South Carolina, Tucker of Virginia, Upham, Vance, Van Rensselaer, Van Wyck, Walworth, Whipple, White, Whitman, Williams of North Carolina, Wilson, Wood, Woodcock, and Worman.

YEAS.—Messrs. Allen of Tennessee, Barstow, Baylies, Bayly, Breckenridge, Butler, Campbell of Ohio, Chambers, Cook, Cushman, Cutlbert, Dane, Darlington, Dwight, Hardin, Hendricks, Herrick, Hill, Holcombe, Jackson, F. Johnson, J. T. Johnson, J. S. Johnston, Jones of Tennessee, Kent, Little, Lowndes, Mallary, Mercer, Metcalfe, Mitchell of South Carolina, Montgomery, Moore of Virginia, Moore of Alabama, Neale, Nelson of Maryland, New, Newton, Patterson of Pennsylvania, Rankin, Reed of Maryland, Ross, Sawyer, Scott, Sloan, S. Smith, W. Smith, J. S. Smith, Stewart, Swearingen, Tomlinson, Trimble, Walker, Williams of Virginia, Williamson, Woodson, and Wright.

WEDNESDAY, April 10

Prohibition upon Members of Congress to receive Office, Contract, or Employment, from the Federal Government.

Mr. MITCHELL, of South Carolina, submitted the following preamble and resolution, which was read, and ordered to lie on the table:

Whereas an act, passed on the 2d day of April, 1808, entitled "An act concerning public contracts," has been so construed as to sanction the appointment of members of Congress to divers public employments, agencies, or trust, by the authority of Executive officers of the United States; and whereas, on the purity of the Senate and the House of Representatives, and their freedom from Executive influence, depend the liberties of the people, and the durability, soundness, and integrity of the Federal Constitution:

Resolved, therefore, That the Judiciary Committee be instructed to report a bill for the purpose of preventing any member of Congress, while he continues as such, from executing or holding any employment, agency, or trust, in behalf of, or on anywise concerning, the Government, either political, legal, or professional, to which the said member may be appointed, by any Executive officer of the United States.

SATURDAY, April 13.

Public Accounts.

The House, on motion of Mr. RICH, went into consideration of the bill entitled an act, in addition to an act entitled an act providing for the prompt settlement of public accounts; when Mr. RICH proposed the following amendment to the bill:

SEC. 2. *And be it further enacted,* That, whenever, in the settlement of the accounts before mentioned, a

difference of opinion shall arise between accounting officers, as to the extent of the credits to be allowed, under or by virtue of this act, such case shall be referred to the Secretary of War, whose decision shall be conclusive. And it is hereby made the duty of the said Secretary, to cause to be communicated to Congress at the commencement of each session, a statement, comprising the names of the persons whose accounts shall have been settled the preceding year, agreeably to the provisions of this act, together with the amount which shall have been passed to the credit of each, under the several heads of expenditures, and upon other evidence than such as is prescribed by pre-existing laws and regulations.

SEC. 3. *And be it further enacted,* That, if any person shall swear, or affirm, falsely, touching the expenditure of public money, or in support of any claim against the United States, he, or she, shall, upon conviction thereof, suffer as for wilful and corrupt perjury.

Mr. COOKE moved that the bill, together with the amendments, be committed to a Committee of the Whole.

Mr. RICH opposed the motion; to whom Mr. COOKE replied.

Mr. MCCOY opposed the motion, and incidentally supported the bill, and Mr. NEWTON gave the bill his decided approbation.

On motion of Mr. WILLIAMS, of North Carolina, the bill was then ordered to be laid on the table, and the amendments submitted by Mr. RICH, ordered to be printed.

On motion of Mr. SMITH, of Maryland, the House went into consideration of a bill further to amend the several acts relative to the Treasury, War, and Navy Departments, and, after a few remarks by Mr. H. NELSON, and Mr. SUMMERS, of Maryland, the bill was ordered to be engrossed for a third reading.

TUESDAY, April 16.

Military Peace Establishment.

Mr. RHEA said, it has been asked what has been done for the officers and soldiers of the army? To this it has been answered, that every thing promised has been paid. Congress made ample provision by giving a bounty in land—one-quarter section to each soldier who enlisted under the first act, and one-half section to each soldier who enlisted under the second act, for five years or during the war, besides bounty in money, subsistence, pay, and clothing; all these things the soldiers merited. The United States of America have always bountifully rewarded the officers and soldiers of their army. Witness the law giving pensions to officers and soldiers of the Revolutionary army. But it is intimated that the bounty land given to the soldiers is not good; if that be true, it is not to be ascribed to the Government. Congress provided by law that the bounty land be fit for cultivation; if it is not, some mode will be adopted to discover how that is, and who has been the cause of it.

It is often urged that, to preserve peace, a

APRIL, 1823.]

Military Peace Establishment.

[H. OF R.]

nation must be prepared for war. On this proposition an inquiry arises—at what time will war be? What is the adequate measure of preparation? The existing nations of Europe, great and powerful several of them, in themselves, and respectively contiguous to, and surrounded by, powerful nations, are compelled, by the principle of self-preservation, to retain and keep large and numerous standing armies in time of peace; other reasons, showing why the ruling powers of the nations of Europe are compelled to keep large and numerous standing armies in time of peace, can be stated. The existence of standing armies in Europe did not always obtain—the overflowing nations of the North, in the decline of the Roman Empire, poured their swarms from the northern hive into the provinces of that empire, and even into

Italy itself, and ultimately rending in pieces that Empire, established new governments therein, bottomed on the feudal system. The power of the leaders, and of those named barons, became obnoxious to the chief. Jealousies arose, and finally the power of the barons was put down by various ways, and the power of the chief became paramount; to maintain that power, as well at home as abroad, standing armies became necessary; and, although but little at the beginning, they have increased greatly in Europe, and at this time are deemed necessary to keep in subjection the unarmed million, and to support power over those called subjects, and to perpetuate their subjection. Between governments east of the Atlantic, and that of the United States of America, there is no similitude—east of the Atlantic the people are subjects, not sovereign, and receive the law; in the United States of America the people are the sovereign, and give the law; that is, they ordain and make constitutions and enact laws for their government, and when ordained and enacted, they are the constitutions and laws of freemen.

We are told frequently, and politicians repeat and repeat, “that, to preserve peace, we must be prepared for war;” so many talks have been made, within two or three days past, about preparing for war, that I have been, said Mr. R., almost persuaded that we are about to be immediately at war with some power. We are told that, to preserve peace, we must be prepared for war. If so, then, when will war be, and with whom? What is, or shall be, the necessary measure of preparation? With any of the nations of Europe there is no probability that the United States will soon be at war. The nations and powers of Europe have business of their own to attend to, and to keep them engaged in preserving their European relations. The differences existing between Russia and Turkey, and the mighty efforts and exertions of the Greeks to liberate themselves from Ottoman despotism, engage the attention of the other powers of Europe. An invasion by an army of any European power the United States need not be apprehensive of. The days of such invasion are past. In respect to being prepared for war, as relates to this bill, the proposition argues nothing; the present Military Establishment consists of about six thousand men—they are scattered in positions over the United States from east to west, from north to south, extending as far as the territories of this republican empire do extend, and for that reason, to an immediate resistance of invasion, cannot be effectual. It has been said, “Let gentlemen of the South look to a servile war.” What an insinuation is this—look to a servile war! From whence, and from whom? The idea of a servile war never ought to be clothed with words. The constitutional principles of our Government are not better understood than they ought to be. This is not a consolidated Government—it is a Government consisting of

* This is a very pertinent question, and may find its answer in our past history. We have been seventy-four years an acknowledged independent people, and in that time have had two years of war with a European power, and that above fifty years ago, and no prospect of one now. Upon the same basis, and taking time alone as the element of calculation, and it should be seventy-four years before we should have more than two years of another European war. But time is no longer the rule to go by. The world is changed, and the disposition of the only European power with whom we have ever had war has changed also. European governments, formerly so prone to war, now cherish peace. The business populations of the great powers, formerly without a voice in the great questions of peace and war, now control both, and will have no interruption to their industrial pursuits except for just cause: and there cannot be any just cause for war between the United States and any European power. Great Britain alone, of all the European powers, has ever had a war with us, and her disposition has entirely changed with respect to us. After the Revolution, and until the end of the war of 1812, there was resentment and mortification with respect to us, and a temper to wrong or degrade us; and many questions of national concern to settle—immigration, boundaries, and interference with our Indians. All this is gone. The only competition between the two nations now is that of emulation in works of honor and kindness to each other; and the conviction is universal among the governments and the people of each power, that their own interest, and that of the civilized world, requires them to be at peace. And that is the sentiment of all the great powers. There is, then, no chance for a European war for us within the scope and scan of human vision. On our own continent there is no chance, either with foreign States, or with Indian tribes, for any thing that can be called a war. Our own Indians, once so formidable, have become objects of military contempt. Thus, there is no prospect before us but that of peace with the world; and all the old saws, once so sage—“in peace prepare for war”—belong to a procession which has passed by, never to return; and if, by any perverse management, there should be war with any power, it would not be the doughty peace preparations which would terminate it, but the extemporaneous explosion of the volunteer system which belongs to the genius of our people—volunteer troops on land, volunteer privateers on the ocean. The money now spent in our preparations for war—building ships to rot, and learning men to fight who will die in their beds, and perfecting weapons which are only used in killing each other—is the ghost of what was wisdom once, and the reality of what is folly now.

twenty-four confederated States, all sovereignties, independent of each other—each one having a distinct constitution for its own internal government; but by the Constitution of the Union bound together as one nation, for their general welfare. The citizens of all the States, in their constitutional union, are the sovereign, and the citizens of each State are the sovereign in that State, for the internal regulations thereof, pursuant to their respective constitutions, not contravening the Constitution of the United States. The defence of this nation is confided to the General Government, but not originally in every case. The fourth section of the fourth article of the constitution provides that the United States shall guarantee to every State in this Union a republican form of Government, and shall protect each of them against invasion, and, on application, against domestic violence; but each State, in case of invasion, has, in respect to its own safety, a particular duty to perform; a State is prohibited, by the tenth section of the first article of the constitution, to engage in a war, unless "actually invaded, or in such imminent danger as will not admit of delay." The constitution, in these cases, authorizes a State to engage in war. With what forces shall a State engage in war? Not with the regular troops of the United States, if there be any within its limits. An officer commanding regular troops of the United States might, in the first instance, refuse the orders of a State authority. With whom, and with what description of force, shall a State make war, in case of sudden invasion or imminent danger, that will not admit of delay? With the militia. I repeat, said Mr. R., with the militia, who are the strong bulwark and impregnable defence of this nation; with the militia, who first must meet the storm of invasion; with the militia, from whom is drawn all the materials of a regular army; with the militia, that great body of citizens who work for all, who fight for all, and who ultimately pay all. The Constitution of the United States does not contemplate a regular army, except in time of war; the constitutions of the respective States declare standing armies dangerous in time of peace; that principle ought not to be contradicted. Admit the contrary to prevail, and the liberties of the people will ultimately be prostrated. The United States are now a nation of armed citizens. If a great standing army, under any pretence, is established and continued, and the citizens are loaded with taxes of any description to support and maintain that army, they will cease to be a nation of armed freemen, and in the course of a few years will be prostrated from their sovereignty, and become subjects. The United States are now encumbered with a large debt—some of it is the residue of the unpaid debt incurred by the war of the Revolution, and a residue of that incurred in the late war, and for other items of national expenditure. The best policy, in my opinion, said Mr. R., is to adopt such measures as will, without a system

of internal revenue, extinguish that debt. The resources of this nation, arising from agriculture and commerce, are great, and will, if not restricted, in a few years, if sufficiently protected, extinguish that debt; the revenue will be relieved from pressure, and may then be applied to any useful purpose. To provide effectually for the extinguishment of the debt of the United States, is the preparation for war. The recollection of the difficulties arising from the scarcity of money, which the United States had to meet during the last war, ought to persuade to the adoption of all such measures as will, without a system of internal revenue, conduce to the speedy extinguishment of the public debt. Let it be remembered that a public debt, never to the people of these United States can be a public blessing.

When Mr. R. had concluded—

Mr. SMITH, of Maryland, expressed his sentiments in opposition to the motion; when the question was taken thereon, and negatived—ayes 41, noes 89.

On motion of Mr. WILLIAMS, of North Carolina, the committee rose and reported, and the House adjourned.

WEDNESDAY, April 17.

Russian Territorial Claims, and Commercial Regulations on the Northwest Coast of America.

A Message received from the PRESIDENT OF THE UNITED STATES yesterday, was read, and is as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 16th of February last, requesting the President of the United States "to communicate to that House whether any foreign Government has made any claim to any part of the territory of the United States, upon the coast of the Pacific Ocean, north of the 42d degree of latitude, and to what extent; whether any regulations have been made by foreign powers, affecting the trade on that coast; and how it affects the interest of this republic; and whether any communications have been made to this Government, by foreign powers, touching the contemplated occupation of Columbia River;" I now transmit a report from the Secretary of State, containing the information embraced by that resolution. JAMES MONROE.

WASHINGTON, April 15, 1822.

The Message was ordered to lie on the table.

FRIDAY, April 19.

Affairs in Florida.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives:

I communicate to the House of Representatives copies of sundry papers having relation to the transactions in East and West Florida, which have been received at the Department of State since my Mes-

APRIL, 1822.]

Military Appropriations.

[H. OF R.]

ago to the two Houses of Congress, of the 28th of January last, together with copies of two letters from the Secretary of State upon the same subject.

JAMES MONROE.

WASHINGTON, April 18, 1822.

The Message was ordered to lie on the table.

The Vine and Olive.

The bill from the Senate supplementary to the act to set apart and dispose of part of the public lands to encourage the cultivation of the vine and olive, was read a third time.

Mr. RANKIN presented a variety of considerations in support of the passage of the bill, and replied to inquiries made by Mr. HILL and Mr. WALWORTH.

Mr. GILMER opposed the bill, on the ground that it enabled the purchasers and occupiers of certain parts of the land to hold the same at two dollars per acre, when they were worth forty, and the residue of the lands would be useless to the United States.

Mr. COOK was also opposed to it on the same ground, and he added that the individuals who entered into the association well understood the terms of the contract, and there was no good reason why it should be departed from.

Mr. TAYLOR was in favor of the bill on the ground that it was necessary to carry into effect the object for which the grant was originally made. To encourage the cultivation of the vine and olive was the primary object of the grant, and, without the provision of this bill, he believed that object could not be attained.

Mr. GILMER moved that the bill be recommitted to the Committee on the Public Lands. On this motion the merits of the bill were incidentally discussed by Messrs. GILMER and ALEXANDER SMYTH, in favor of the recommitment, and by Messrs. RANKIN, WALWORTH, MOORE of Alabama, MERRICK, and RHEA, in opposition to it.

Mr. COOK expressed himself satisfied with the explanation that had been given by the gentleman from Mississippi, (Mr. RANKIN,) and hoped the bill might be adopted in its present shape.

The motion for recommitment was negatived; and the bill was finally passed and returned to the Senate.

SATURDAY, April 20.

Military Appropriations.

The House then resolved itself into a Committee of the Whole on the state of the Union, on the bill making further appropriations for the military service of the United States for the year 1822.

The question recurred upon striking out the appropriation for the erection of Fort Calhoun, on the Chesapeake, and the same was put and negatived by a large majority.

Mr. BUTLER, of New Hampshire, moved to

amend the section by adding thereto a clause, providing that no part of the appropriation should be applied on the contract made with Elijah Mix, on the 25th July, 1818.

Mr. SAWYER was opposed to the proviso, but the reasons which he offered could not be heard by the reporter.

Mr. SMITH, of Maryland, also opposed the amendment. He regarded it as going to declare a dissolution of a contract which Congress had repeatedly affirmed.

Mr. BUTLER contended that the contract was made in contravention of the laws of the United States, and that there was such reason to suspect that there was fraud in the case, as would justify us in withholding the appropriation.

Mr. ROSS opposed the proviso, not only on the ground assumed by the gentleman from Maryland, (Mr. SMITH,) but also on the principle that, Congress having recognized the contract, it was now too late to annul it, and he should vote against the amendment, although he had been opposed to the appropriation.

Mr. TON also made a few observations on the subject, when the question was taken, and the motion negatived by a large majority; and the blank was filled as proposed by the Committee of Ways and Means.

The appropriation for fortifying Mobile Point being under consideration,

Mr. COCKE moved to strike out the section, and to insert in lieu thereof an appropriation for the specific purpose of collecting materials for that fortification. The principle on which he preferred a specific appropriation was, that the money heretofore appropriated for the fortification at Mobile Point had not been applied to that object, but had been transferred to Colonel Gratiot, at Norfolk, and he referred to documents on the subject.

Mr. J. S. JOHNSTON contended that the money had been applied to the great object for which it was appropriated, and he examined with minuteness the particular circumstances of the case in question. Mr. J. also adverted to the topics that had been drawn into discussion yesterday, and contended that the question, whether the Secretary had assumed an undue responsibility upon himself or not, ought not to be brought to bear upon the subject.

Mr. COCKE replied, and expressed his dissent to the justification of the Secretary of War which had been urged by the gentleman from Louisiana, (Mr. JOHNSTON,) and again reviewed the positions he had taken on the question.

Mr. SMITH, of Maryland, explained the facts in relation to the origin and changes of the contract for building the fortifications at Mobile Point, and made a general exposition of the subject of fortifications, with an historical sketch of the policy that had been pursued for a series of years, in their erection and extent. He also expressed his acquiescence in the amendment proposed by the gentleman from Tennessee, (Mr. COCKE,) and intimated an opin-

ion that it would be expedient for the United States to abandon the system of erecting their fortifications by contract.

Mr. ALEXANDER SMYTH thought the gentleman from Tennessee (Mr. COCKE) was mistaken in the facts, and that he had been misled by the similarity of sums to suppose that a transfer had been made of the appropriation for Mobile Point. Mr. S. contended that it was incorrect policy to make specific appropriations to fortifications by name. A sum should be designated by Congress for the general object, and the distribution of it should be left to the Executive Department, and on that department the responsibility should rest, for its correct and faithful disbursement and application. In reference to the alleged transfer, he remarked that the Secretary of War was absent at the time the fiscal arrangement was entered into—that it was done by the President of the United States, the Secretary of the Treasury, and the Chief of the Engineer department. The Secretary of War, said he, probably approved of it subsequently, but the responsibility, whatever it was, seemed to rest upon the President; but the money, he believed, was fairly expended in the public service, and in pursuance of the act of Congress.

Mr. TRACY was in favor of the amendment, on the ground that it was equivalent to an expression of the intention of the House to discontinue the contract for building the fortification at Mobile Point; from which contract he contended the United States was fairly absolved, for the work was to have been completed in 1821 by the terms of it. He also adverted to the items of the contract, which he thought fully proved that the contract was disadvantageous to the Government, and he was unwilling to continue it further than a legal liability imposed an obligation.

Mr. SMITH, of Maryland, rose to correct what he thought was an error of the gentleman from Virginia, (Mr. SMYTH,) in relation to the agency of the Secretary of the Treasury in the transaction alluded to, and which he said was limited to the transfer of the money from De Russe to Colonel Gratiot.

Mr. JOHNSTON, of Louisiana, had no expectation that the contract would be fulfilled by the sureties of Colonel Hawkins, and he thought it most expedient to apply the appropriation to the procurement of materials, which was, in his opinion, the only mode in which the great object was most likely to be accomplished. Mr. J. was unwilling to enter into the expediency of the terms of the contract, because that was a point which should be left to those to whom it was by law confided. The dangers of climate, and the dearth of provision, rendered labor higher at Mobile than in the State of New York. The power of appropriation, he contended, was the great moral power of this House, and he differed entirely from the gentleman from Virginia (Mr. SMYTH) in respect to the expediency of making appropriations spe-

cific. He also contended it was expedient to prevent the competition of the various parts of the Union, which would bring odium and charge of partiality upon the Executive officers.

Mr. SMYTH, of Virginia, replied, and contended that it was improper for the Government to refuse to fulfil the contract, for if the contractors had violated the contract by non-fulfilment on the one hand, the Government had equally violated it by withholding the stipulated payments on the other. He also animadverted upon the other topics connected with the discussion. He expressed his willingness even to borrow money for fortifications, if necessity required it. For institutions of a perishable nature, he was not willing to make a charge upon posterity; but for imperishable fortifications, built of granite, and calculated to last for eternity, he did not feel that it would be unjust to tax posterity, as they, as well as the present generation, were to participate in the benefits and security they may afford. The subject was further discussed by Messrs. TRACY, F. JOHNSON, WILLIAMS of North Carolina, and HARDIN, and opposed by Messrs. H. NELSON, and COOK, when the question was taken, and the amendment was adopted.

Mr. PLUMER, of New Hampshire, moved to fill the blank with the sum of \$30,000 instead of \$50,000, which motion was supported by the mover and Mr. COCKE, and opposed by Messrs. MOORE of Alabama, JOHNSTON of Louisiana, and SMITH of Maryland, when the question was taken thereon, and carried.

After the appropriation for fortifications at the Rigolets, and Chef Menteur, had been carried, Mr. SERGEANT moved to insert a clause to make an appropriation of \$19,000, to complete the Arsenal at Frankfort, Pennsylvania.

The motion was supported by the mover, and opposed by Mr. SMITH, of Maryland; but before any question was taken thereon, the committee rose and reported progress, and obtained leave to sit again.

The House adjourned.

MONDAY, April 22.

Lead Mine Leases in Missouri.

Mr. SCOTT submitted the following resolution:

Resolved, That the President of the United States be requested to communicate to this House whether any, and if any, how much revenue has accrued to the United States from the leases of lead mines in Missouri; whether any lease, promise, or agreement, is now in force for any lead mine in Missouri, and the copies thereof, if in writing, and the substance thereof, if verbal, with all the terms, conditions, and stipulations, written or verbal, as well on the part of the United States, as on the part of the lessee, the quantity of land leased, promised, or engaged, to each person, their names and places of residence, together with the names and places of residence of their securities, if any; whether the said leases, promises, agreements, or engagements, if any, are in force, if not now in force, when will they be completed or put in force; whether such leases, promises or engage-

APRIL, 1823.]

Transfer of the United States Militia Fines.

[H. OF R.]

ments, have been made with or without public notice, and by whom on the part of the United States, and with whom on the part of the lessees, and their securities, if any. And also a copy of the regulations and instructions, if any have been made, for carrying into effect any law authorizing the leasing of lead mines.

The resolution was ordered to lie on the table one day.

Mix's Contract for Stone.

Mr. BUTLER submitted for consideration the following resolution :

Resolved, That a committee be appointed to inquire into the contract between the War Department of the United States and Elijah Mix, of the 25th July, 1818, to report whether the same was made in pursuance of law, and whether the said Mix has performed his covenant; and such other facts as they may deem proper relative to said contract.

In offering this resolution, Mr. BUTLER remarked, that he discovered, on consulting the documents on this subject, that, according to the contract, there was due to the United States the delivery of 150,000 perch of stone on the 1st January last, and that, on that day, there had been actually delivered only 102,487 perches; so that the contract had not been fulfilled on the part of Mr. Mix, and was no longer binding on the United States. Besides, he said, there were, to say the least, suspicious appearances about this contract. No proposals for this contract were publicly invited, by advertisement or otherwise. It was said, too, that Mr. Mix had sold out his contract at a dollar and a half per perch; and Mr. B. said he observed, from the account of contracts laid before the House, that a contract had actually been made by the Government, at Philadelphia, for stone, to be delivered at the Pea Patch, for a dollar and a half per perch, whilst three dollars per perch was paid to Mix. Taking the time, place, and manner of the contract into consideration, and the default of the contractor to fulfil his engagements, he had thought proper to submit this resolution. No appropriation that is made at this session, Mr. B. contended, ought to be expended under that contract.

Mr. McDUFFIE said he was very glad the gentleman from New Hampshire had introduced this resolution. It was the proper course to pursue in cases of this kind. If there was anything improper in the conduct of any officer of the Government, it was proper to inquire into it, not incidentally in debate, or by *ex parte* statements on this floor, but by judicial investigation. While up, Mr. McD. said he would state, that, on an investigation, the facts of this case would be found very different from what they had been represented to be. He was authorized to say that, if Mr. Mix had not taken this contract, a loss would have been occasioned to the United States of \$75,000—the contract having been taken by Mr. Mix at half a dollar per perch less than was just about to be contracted for with another person. A great

deal had been said about the extravagance of the price of this stone. At this time such a price would be high, but the contract was made in the year 1818, at which time every article was higher than it now is, in consequence of the depreciation of the national currency; which fact ought to be taken into consideration.

Mr. SAWYER said he had no objection to this resolution; but as for the abrogation of the contract with Mr. Mix, on account of his failure to deliver a stipulated quantity of stone, it was sufficient to say, that, if the allegation were true, the fault lay not with Mr. Mix, but with this House, which reduced the appropriation for fortifications below the amount required by the Secretary of War to comply with existing contracts. For this Mr. Mix was certainly not to blame.

Mr. CAMBRELENG said he hoped the resolution would be adopted. He thought, from the statement which had been made by the gentleman from New York some days since, that the subject required investigation. On one point, he begged leave to differ from the gentlemen from South Carolina and North Carolina. He did not think that Government, under any circumstances, ought to have made a contract with Mr. Mix. This opinion was formed from what he had heard from gentlemen on different sides of the House on this subject.

Mr. METCALFE proposed an amendment for giving to the committee power to send for persons and papers. He did not mean to censure the individual who was implicated in this discussion, nor to exonerate him from censure. But he was induced to believe some very satisfactory information might be got on this subject by a resort to oral testimony.

Mr. BUTLER accepted the proposed amendment as part of his motion; and, thus modified, Mr. B.'s motion was agreed to without opposition. And Messrs. BUTLER, METCALFE, and CAMPBELL, of Ohio, were appointed the said committee.

THURSDAY, April 25.

Transfer of the United States Militia Fines in Pennsylvania to the State.

Mr. BUCHANAN, from the Select Committee, to whom that subject was referred, made a report respecting certain fines imposed on the militia of the State of Pennsylvania, concluding with the following resolution, which was ordered to lie on the table:

Resolved, That the uncollected militia fines due from delinquents in the State of Pennsylvania, which have been assessed by courts-martial, and all fines collected by the late or present marshals of Pennsylvania, or their deputies, which have not been paid into the Treasury of the United States, or applied to the payment of expenses of courts-martial, be transferred to the State of Pennsylvania, with full power to collect the same.

SATURDAY, April 27.

Pay to Absent Members.

Mr. ARCHER, of Virginia, understood the proposition of Mr. HILL as a general intimation that it was the practice of members of this House, to receive pay during occasional absence from it. His object in rising was, to disclaim and deny, for the delegation from Virginia, the existence of any practice of that sort, and to assert that there was no member of that delegation who was capable of claiming such an allowance.

SATURDAY, May 4.

Indian Trade, and Civilization of Indians.

Mr. METCALFE, from the Committee on Indian Affairs, to whom was referred the bill from the Senate to amend the act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," reported the same with amendments, consisting of two additional sections, as follows:

SEC. 7. *And be it further enacted*, That the thirteenth section of the act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved the thirtieth of March, one thousand eight hundred and two, be, and the same is hereby, repealed.

SEC. 8. *And be it further enacted*, That an act, entitled "An act making provision for the civilization of the Indian tribes, adjoining the frontier settlements," approved March the third, one thousand eight hundred and nineteen, be, and the same is hereby, repealed: *Provided, however*, That nothing contained in this act shall be so construed as in anywise to alter or impair the effect of any treaty stipulation, or other obligation, which may have been entered into between the United States and any Indian tribe or tribes.

On these amendments a debate ensued, in which they were supported by Mr. FLOYD and Mr. METCALFE, and opposed by Mr. WOOD and Mr. VANOE.

Mr. METCALFE addressed the House as follows:

Mr. Speaker: I would not object to any direction which it might be the pleasure of the House to give to the bill for the purpose of affording an opportunity of a more full and thorough investigation of the amendments proposed by the Committee on Indian Affairs, were it not too late in the session for delay, and because it is important that the bill should pass, whether the amendment be adopted or rejected.

Perhaps, said Mr. M., an apology is due to the gentleman from Virginia, who, being a member of the committee, was not consulted touching the proposed amendment. This bill was not referred to the committee until yesterday, and as the session is nearly at a close, it was expected by all the warm friends of the bill that the committee would not fail to report it on this day. My own duty on another com-

mittee, and the shortness of the time allowed, prevented a regular meeting, this morning, of the Committee on Indian Affairs, and therefore it was, that I consulted such of the members only as could be found in the House at the moment, and obtained the consent of a majority, to the amendment proposed.

Let it be recollected, said Mr. M., that, by the authority of the House, it has been made the special duty of this committee to inquire into the progress which has been made in the civilization and happiness of the Indian tribes under the system which has been devised and pursued for that purpose. It is, therefore, my duty to communicate to the House the result of the inquiries. Here Mr. M. adverted to the 18th section of the act of 1802, by which the sum of \$15,000, annually, is appropriated for civilizing purposes; for presents, &c. He objected to this expenditure upon the ground that it was no longer necessary, that the Indians derived no benefit from it; and because no satisfactory account could be obtained of its application, to whom paid, or for what purpose. He then adverted to the act of 1819, appropriating the sum of \$10,000, annually, for the instruction of the Indians in agricultural pursuits, and to educate them; and read a communication from the President, showing if the President himself was not deceived, as Mr. M. supposed he might be, that a considerable portion of this sum had been applied to the erection of buildings in the Indian settlements, which in his opinion ought not to be tolerated. And he objected to the employment of Dr. J. Morse, and to the sum paid for his services, under the provisions of this law. But, said Mr. M., that we may know something of the situation of those people, and of their numbers, that we may be well informed of the nature and condition of the materials upon which we are about to operate, I will take the liberty of adverting to extracts from the report of Dr. Morse, which was referred to the committee for that purpose.

In New England there are nine tribes, 2,247 souls. In New York ten tribes, 4,840 souls. In Pennsylvania, thirty years ago, three tribes, 1,300 souls, number at this time not known. In Ohio, fifteen tribes, 2,047 souls. In Michigan, and the Northwest Territory, thirty-six tribes, 27,480 souls. In Indiana, and Illinois, 14 tribes, 15,522 souls. Southern Indians east of the Mississippi, twenty tribes, 66,487 souls. Total number east of the Mississippi, twenty tribes, 120,288 souls. North of the Missouri and west of the Mississippi, thirteen tribes, 41,350 souls. East of the Rocky Mountains to the Mississippi, and between Missouri, and Red River, or west of the Mississippi to the Rocky Mountains, 36 tribes, 105,021 souls. Between Red River and the Rio del Norte, 42 tribes, 105,021 souls. Whole number west of the Mississippi, 337,841. Total numbers in the United States, besides about 5,000 in Florida, and ten tribes (number not known) inhabiting the Upper Mississippi, 457,642 souls.

MAY, 1852.]

Indian Trade, and Civilization of Indians.

[H. OF R.]

Now, said Mr. M., how to civilize and refine, and christianize these our red brothers and sisters is the question—a question truly of considerable magnitude—the solution of which appears to be attended with no inconsiderable difficulty. The past and the present history of this matter sheds a faint gleam of light, by which to guide us in future. Here Mr. M. referred to Loskiel's history of the missions among the Indians in North America about one hundred and fifty years ago. At that period the author informs us that much had been done for the education and refinement of the Indians; that vast numbers of them were at that time a pious and an exemplary people, rapidly increasing in civilization, and in Christian knowledge. By reading their subsequent history, however, we are irresistibly drawn to the conclusion, that their spiritual fathers wrote with an eye to their own exclusive benefit and emolument, making those upon whom their heavy contributions were levied, the dupes.

Mr. M. now referred to Bouchette on Canada, giving an account of the condition of the domiciliated Indians of St. Regis, who for centuries have been blessed with resident Catholic missionaries as their spiritual fathers; and, instead of progressing in civilization and refinement, or in Christian piety and virtue, were still a lazy, dirty, and degraded band of savages, unchristian, immoral, and vicious in the extreme.

Mr. M. said he would now refer to the history of the various tribes, or remnant of tribes, in the interior of our own country, by reading extracts from the report of Dr. Morse. The Rev. E. Kellogg writes the following account: "The Passamaquoddies and Penobscots are Catholics, and under the care of Catholic priests, who receive a stated stipend from the State treasury. They have made no other than incipient improvements in any thing which pertains to civilized life, and are sadly given to intemperance." So much for the Indians in the State of Maine. Now for those in the State of Massachusetts—"All the Indians remaining in this State reside on their respective reservations at Marshpee, Herring Pond, Martha's Vineyard, and Troy, on the southeast part of the State, from fifty to one hundred miles from Boston. The State, by a board of overseers, exercises a guardian care over them, as to their lands and civil rights and privileges. And the Corporation of Harvard College, and the Society for Propagating the Gospel among the Indians and others in North America, provide for their religious and moral instruction, having charity funds in its treasury, appropriated for the use and benefit of the Indians, the former \$12,000 the latter \$9,000. A stated missionary, Rev. Dr. Fish, is supported at Marshpee. The Rev. Doctor writes that, among them are a few who are eminently pious, considerable numbers decent in their lives, and not a few shockingly profligate. The state of morals low. Intemperance, with its concomitants, is found among them. The number of pure blooded Indians is

extremely small, say fifty or sixty, and is daily decreasing. The mixture of blood arises far more from their connection with negroes, than with the whites; their number is diminishing on account of their vices." Rev. Mr. Thatcher writes as follows: "It is true we think we see but little good in preaching to these people. Did we not take into consideration the evils which we probably prevent, who would not be discouraged and give up the cause, saying I have labored in vain, and spent my strength for naught?" In Rhode Island it is said their condition is not quite so bad.

Of those in Connecticut, it is said "that the few now remaining in this State have made but few advances in any thing which pertains to civilization, and are gradually wasting away, after the manner of other tribes, now extinct. The State has assumed the care of their property, in like manner as the other New England States have provided for their Indians. They have such advantages of religious and moral instruction as they are willing to receive, which are few, and the effects proportionably small. Those Indians, especially at North Stonington, and at Groton, are said to be, with very few exceptions, intemperate and improvident; of course, poor and miserable. They manufacture mats, brooms, baskets, and so on, which they generally sell for ardent spirits." Such are the results of long experience, as we have it from the mouths of individuals who are employed to civilize and to convert them to Christianity, and who are compensated for their services by public or private donations. Shall this Government take up and follow the hopeless example?

"The Six Nations, residing in the State of New York, in number 4,575, remain on their respective reservations, containing in all, about 265,315 acres of land." "Many petty depredations and thefts, and trespass, are committed by them and the whites upon each other." To this testimony may be added that of honorable members from New York, who inform us that, instead of advancing in civilization or in piety, they are rapidly degenerating into vice and corruption.

Of those in the State of Ohio it is said: "The Wyandots came from the country near Quebec, about two hundred and fifty years ago, when the French had dominion of Canada. They maintained a Roman Catholic Missionary among them. By these missionaries they were nearly all baptized, and nearly all the aged ones still carry crucifixes in their bosoms, under their shirts. Between the years 1803 and 1810 the Presbyterians supported a missionary among them, on the Sandusky River. A few converts were made, who were put to death by the Catholic Indians on account of their religion."

From this I infer that it is improper to impose a tax upon our Protestant citizens for the support of Catholic missionaries, and equally as improper to tax the Catholic for the purpose of supporting Protestant missionaries. To preserve our holy religion in its purity, we must let it

make its own way, with the smiles and friendly countenance of the Government beaming upon every sect and denomination, without giving pecuniary aid to any one. "The number of Cherokees, inclusive of whites, blacks, and mixed blood, is estimated at 11,500. In the treaty of March, 1819, they ceded a part of their territory to the United States. Among other reservations is one of a tract of land, of twelve miles square, to be sold by the United States, and vested by the President in the most profitable stock, as a school fund for the Cherokee nation."

For a population not half equal to that which is contained in a small county in one of our States, this appears to be an ample provision. Our own citizens, in any part of this Union, would rejoice to have such a school fund as this.

The Choctaws, it is said, are also well provided for.

Now, said Mr. M., what are we told by that distinguished fellow-citizen, whose keen and penetrating intellect, and whose long experience enables him to speak to us the language of wisdom, and to afford us so much light upon this momentous subject? [He then read from the Literary and Scientific Repository the following extract of a letter from Governor Cass:]

"The lessons of experience upon this subject are too important to be disregarded. In the zealous efforts which are now making to meliorate the condition of the Indians, we have much to learn from the history of the progress and result of the same experiment which was made by the Jesuits. We cannot bring to the task more fervid zeal, more profound talents, more extensive or varied acquirements, nor probably a deeper knowledge of the principles of human nature. But, so far as respects any permanent or valuable impression, they have wholly failed. Very few of the Indians profess any attachment to the Christian religion; and, of those who make this profession, there is not probably one whose knowledge is not confined to the imposing rites and external ceremonies of the Catholic church. A more vivid impression appears to have been made upon the Wyandots than upon any others; and they preserved for a longer term than any other tribe, traces of the indefatigable exertions of their spiritual fathers. But, even with them, superior as they are in intellectual endowments, and placed by their local situation in contact with a Catholic community, the subject is forgotten, or, if remembered, it is remembered only by a few aged and decrepit persons, like other traditional legends of their nation."

Upon these remarks, said Mr. M., no commentary can be necessary. I will now pass to one more extract of a letter from Mr. Sibley, an intelligent Indian agent, of long experience among that people, to Dr. Morse, which I have taken from his report:

"I have noticed Indians observing with much apparent interest the effects of our agricultural skill, our fine gardens, abundant crops, and numerous comforts and conveniences. A very sensible Osage, the Big Soldier, who had twice been at Washington, once said to me, when I was urging the subject of civilization upon him: 'I see and admire your manner of living, your good warm houses, your extensive fields

of corn, your gardens, your cows, oxen, work horses, wagons, and a thousand machines that I know not the use of. I see that you are able to clothe yourselves, even from weeds and grass. In short, you can do almost what you please. You whites possess the power of subduing almost every animal to your use.' But, after this acknowledgment, on his part, of our superior skill in the various arts, and this candid expression of his admiration, he continues thus: 'You are surrounded by slaves. Every thing about you is in chains; and you are slaves yourselves. I fear, if I should change my pursuits for yours, I should become a slave. Talk to my sons; perhaps they may be persuaded to adopt your fashions, or at least to recommend them to their sons; but, for myself, I was born free, and wish to die free! I am perfectly content with my condition. The forests and rivers supply all the wants of nature in plenty; and there is no lack of white people to purchase the products of our labor.'"

Such, said Mr. M., is said to be the language, such the sentiments of the Indians generally. And what a commentary is this upon the speculations of the theorist! upon him whose fanciful notions give direction to all his actions! What a lesson to the proud presumptuous man, who never thinks of doing good to thousands and tens of thousands of nearer and dearer, and much nobler objects immediately around him, who are fairly within the sphere of his action, and in need of his assistance, but is continually casting ahead before the light breezes of his own inordinate vanity, pretending to vie with his Maker in acts of universal benevolence! Yes, of universal benevolence! How has his imaginary castles been upset and demolished by those plain but irresistible and self-evident truths which have fallen from the lips of an Indian!

When the forests no longer abound in game, nor the rivers with fish, in sufficient quantities for the sustenance and support of the Indian, he will abandon the life of the hunter for that of the agriculturist, and not before. As long as furs and peltries are in demand, and can be had by following the chase, that long there must and will, and ought to be hunters; and were it in our power by forced measures or otherwise, to withdraw the Indian from the recesses of the wilderness, from the pursuits of the chase, and learn him to become a tiller of the ground, what would be the consequence? Would not the white man become a hunter in his stead? And thus while with such eager solicitude we urge, and press, and force, if we could force, the Indians into a state of civilization, do we uncivilize, or, rather, savagize, an equal number of our own citizens. Would not this be the inevitable result? No one, it is presumed, will, or can, deny the fact. And is it not a fact worthy our most serious consideration? I candidly acknowledge that, for my own part, I have no great partiality for such a change, or rather for such an exchange, even were it in our power to accomplish it.

But I am persuaded that the civilization of the Indians, if effected at all, is to be the work not only of time, but of necessity. Yes, sir, of sheer,

MAY, 1832.]

Indian Trade, and Civilization of Indians.

[H. OF R.]

of stern necessity. Slowly progressive in its march, and by degrees, almost imperceptible, it will, within the time, and to such extent as their great and good spirit shall direct, come to pass. Let us be careful to throw no obstacles in the way. On the contrary, let us set them a bright example, and that example will have its attractions. We are much the strongest party; therefore, let justice, peace, and mercy, towards them, be our motto. It is our duty to treat them with humanity and tenderness, and not to abuse the power we possess, by wielding it to their injury and destruction. And, sir, if we go beyond this, if we must and will draw upon our country's Treasury to help them on, let it only be done when there is at least a reasonable prospect of attaining the great object we have in view.

Much of the treasure of this people has already been wasted in vain and futile attempts to civilize the Indians. I say wasted, because its application has had no good effect upon them, and has subserved no other purpose, except to fill the pockets of a few favored individuals, who are interested in deceiving us, and all of whom now unite in one general cry for more money—more money—give us more money and the public land, and the good work shall be done! Not that any good is likely to be done so as to be discernible to those who live in our day, and generation. Oh no! But perhaps some small traces of the good effects of our honest and disinterested efforts may be visible to those of our posterity a few centuries hence, who delight so much in looking back through the dark mists and shadows, as they are closing behind them—through the twilight of uncertainty, for the purpose of desecrating, and of contemplating the virtues and the generosity of their ancestors; and of profiting as individuals of a similar cast always have done, as they now do, and always will do—very little by any good example.

How various are the pursuits of various men. One man is engaged, deeply and ardently engaged, in contemplating the scenes which have long since gone by, and over which Time, bald pated Time! is about to throw, or perhaps has already thrown, his impenetrable mantle, for the purpose of hiding those scenes forever from the view of mortals.

Another devotes his whole life most earnestly and zealously to the study of some plan, or scheme, or project, by which he fondly hopes to add very greatly to the future stock of human happiness, of human grandeur, and of human glory, and thereby to procure for himself a name immortal. While, on the other hand, such men as myself, limited, extremely limited no doubt in their views, and fully sensible of their own weakness, without looking quite so much at the past, or pretending to form any very extensive plans for the future, confine their humble and feeble exertions principally to that which, in their opinion, will redound most to the honor and interest of their compeers; es-

pecially of those upon whom their acts are to have an immediate and certain effect—returning thanks occasionally, to be sure, for the good with which their ancestors were blessed, and praying for the good of posterity, but without once losing sight of what they consider a great, a paramount, and an indispensable duty, which they owe to the present generation.

Such men as these, Mr. Speaker, will necessarily inquire of you, how do we raise the revenue out of which this civilizing cash is to be furnished? They will not forget that it is raised in part by an indirect tax upon articles of the very first necessity; and in part by taxing those articles from the use of which our citizens derive a very considerable portion of all their comforts, and of all their enjoyments; that it is a tax upon articles of necessary consumption, a matter of very doubtful policy at any time. For in proportion to the increase of such a tax, do we depress our own productive citizens, and discourage and check the increasing population of our own country. Yes, of our own country! endearing name, but always lost sight of when we are chasing a shadow, or pursuing a phantom, from which no good is to be realized. He that will not provide for his own household is said, by the highest authority, to be worse than an infidel. We have a numerous household, consisting of nearly ten millions of souls, for whom, if we do not provide, let us not deprive them of the means which they are industriously striving to provide for themselves.

The citizen of this republic who rears a numerous family in decency, were he to sit down and calculate the amount of taxes annually paid by him upon the articles of sugar, molasses, tea, coffee, pepper, spices, muslins, calicoes, cloths, and so on—an endless list—would be lost in astonishment. Yes, he would be lost in astonishment.

I know, Mr. Speaker, that we represent a magnanimous and a generous people. Of taxes they will not complain if imposed for humane, and benevolent, and useful purposes, and applied accordingly. But we are deceiving ourselves, and the people are deceived, in supposing that we promote the cause of humanity, or add any real substantial benefit to the Indians by this idle application of our money—this wanton waste of the nation's treasure. A word or two in relation to those Indians who are dispersed and scattered over that vast region of wilderness beyond the borders of our settlements. And here I do not mean to travel with you upon the waters of the Rio del Norte or along the shores of the Pacific. Nor do I intend at present to run across the path of my honorable and highly respected friend from Virginia, by disturbing his infant colony at the mouth of the Columbia; though I may hereafter stand at his back, when it shall become necessary to support him in opposition to the Emperor Alexander. But, confining myself to the Indians on this side of the Rocky Mountains—what do they think of our civilizing systems?

Let them answer for themselves. The words of a principal chief of the Fox tribes, as related by Mr. Sibley, will show you their aversion to our laws, and the repugnance they feel to what we call civilization. "The Great Spirit (said Wah-ha-lo) put the Indians on the earth to hunt, and to gain a living in the wilderness; and I always find that when any of our people depart from this mode of life, by attempting to read and write, and live like the white people do, the Great Spirit is displeased with them, and they soon die."* Here we discover that submission to laws, however mild and equitable in their provisions, is, in their estimation, the most intolerable bondage. The various cords and links by which, under the social compact, all civilized societies are united, they look upon as so many galling chains, as the very badges of slavery, and therefore not to be endured. These wild, but proud and lofty spirits, indignantly spurn what they are led to consider a dull and ponderous load. Mr. Speaker, I know not how to hold the mirror up to nature. But little of my time has been devoted to the study of her laws. I cannot pretend to say whether in the organization and construction of the interior man there is so great a difference that the white and red man cannot be brought to think and act alike, under similar circumstances. But I will say, that all our attempts to make them think and act alike, under circumstances so dissimilar, is not only vain, but I may be pardoned for the expression, it is in my opinion an exceeding folly, if not presumption.

There are certain animals which, in their exterior appearance, bear as strong a resemblance to each other as does the white man and the Indian, and yet by nature they are wholly irreconcilable. Not to mention certain quadrupeds of this description, I will barely point to some of the feathered tribes. The wild duck, for instance—how soon it dives to hide from you. The partridge conceals itself while the shell is yet upon its head. But more especially the turkey. Do we not see what we very properly call the wild turkey often brought into life by, and raised with, those of the domestic breed, without having seen one of its own kind? And yet, we find that, as soon as it arrives at sufficient strength and maturity, scorning the barn-

yard, though strewed with abundance, it leave the roost of its companions, and bounding aloft it perches on the top of some distant towering tree—on the branches of the proudest monarch of the forest within its reach. This is repeated again and again. Wandering from the side of the gentle brood, he strolls in pursuit of other objects, which, though he has never seen, he is by the irresistible force of nature led to believe do somewhere exist. With desire keen and strong, he seeks, and, if successful, he bids farewell, a long farewell, to all his old companions, and returns to them no more. And thus it is that whole broods, have, from time to time, been brought into life and raised up on the farm, and have as invariably disappeared. Where are they now to be found? Though I will not indulge in the afflicting belief that such a destiny as this does really await our red brethren, yet I do most sincerely believe that such is the barrier which nature interposes between the two people, together with the powerful force of habit operating upon them, that all our attempts to civilize those Indians, who are dispersed and scattered in the wilderness, will be fruitless and unavailing. And, therefore, in plain and common language, I do most respectfully give it as my humble opinion that we had much better mind our own business; yes, we had much better mind our own business. And equally vain will be all our attempts to civilize those within the interior of our country and surrounded by our settlements, unless we first remove certain artificial obstacles which we must see, and perhaps can remove. I mean that we must radically change our present system of policy—the political relations existing between them and us. We may educate them, instruct them in agricultural and mechanic arts, furnish them with the implements of husbandry, and try to convert them to Christianity; and, after all, unless we secure to them the benefit and protection of our laws and municipal regulations, and, in this way, ingraft them, like so many twigs, upon the stalk, or upon the branches of the stalk of the republic, all our efforts will be without effect.

If the States, respectively, in which the small tribes or remnant of tribes remain, will not consent to the removal of these artificial obstacles, and suffer our civilizing experiments to be fairly made, for one, I despair of success; and, abandoning all our projects as idle, and even visionary, I will not vote my country's treasure to any such purpose. Encompassed around about by such a power as this, what can they do, while they remain, not independent communities, but dependent upon our will, and yet without the pale of our laws. Aliens in their own country, they can do nothing; they may recede, they cannot advance. If the Government will give them, individually, a just and reasonable portion of their lands—of their respective reservations, laid out in its proper metes and boundaries, and take them under the jurisdiction and control of the laws, grad-

* The address of the Indian chiefs to the President during the present session of Congress, is well known to contain similar sentiments; they could not think of bruising their hands by labor.

[The circumstances were these: Some Panis chiefs and warriors from beyond the Mississippi having come to Washington City this winter, (1821-2), where the civilization of the Indians was all the vogue at the War Office, President Monroe was induced to have them assembled at the Presidential mansion, and to deliver them a speech in favor of quitting the hunter state, and betaking themselves to ploughing and hoeing for a comfortable living. When he had finished, a chief answered him briefly, and to the point, "that all that might do very well for the white people; but, as for himself, he would never bruise his hands digging in the ground, while he could find a buffalo to kill, or a horse to steal."]

MAY, 1822.]

Cumberland Road Repair Bill—President's Veto.

[H. or R.]

nally extending to them such rights and privileges as shall be reasonable, perhaps something may be done. Otherwise, viewing all our projects as a mere mockery, I am prepared to give it over.

In support of these views, Mr. M. said he would refer honorable members to the Inaugural Address of the President, on the 4th of last March, and also, to the report of the honorable Secretary of War, during the present session of Congress, as well as at the session of 1818. It is but right, said he, to give the Indians fair play. Encourage them to the exertion of their own faculties, of their own energies; but do not impose heavy contributions upon our white citizens, from which the Indians are, in truth, to derive no profit, no advantage; but which goes to the special and exclusive benefit of those who can, with the greatest facility and convenience, obtain access to your treasury.

Mr. VANOE called for the previous question, which was sustained by the House; and the previous question being taken, was decided in the affirmative. The main question on ordering the bill to be read a third time, thereby excluding the proposed amendments of Mr. MERCALFE, was put and carried.

Cumberland Road Repair Bill—President's Veto.

A Message was received from the PRESIDENT OF THE UNITED STATES, by Mr. Gouverneur, his Secretary, who, by command of the President, returned to the House the enrolled bill passed by the two Houses, entitled "An act for the preservation and repair of the Cumberland Road," presented to the President for his approbation and signature on this day, to which bill the President, having made objections in writing, the same were also delivered in by the said Secretary at the Speaker's table; who thereupon withdrew.

The said objections were read, and are as follows:

To the House of Representatives of the United States:

Having duly considered the bill, entitled "An act for the preservation and repair of the Cumberland Road," it is with deep regret, approving, as I do, the policy, that I am compelled to object to its passage, and to return the bill to the House of Representatives, in which it originated, under a conviction that Congress do not possess the power, under the constitution, to pass such a law.

A power to establish turnpikes, with gates and tolls, and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons, passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor, on a valuation, and to pass laws for the protection of the road from injuries; and, if it exist as to one road, it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes is a right to legislate for the others. It is a

complete right of jurisdiction and sovereignty, for all the purposes of internal improvement, and not merely the right of applying money, under the power vested in Congress to make appropriations, under which power, with the consent of the States through which this road passes, the work was originally commenced, and has been so far executed. I am of opinion that Congress do not possess this power; that the States, individually, cannot grant it; for, although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the constitution, and in the mode prescribed by it.

If the power exist, it must be, either because it has been specifically granted to the United States, or that it is incidental to some power which has been specifically granted. If we examine the specific grants of power, we do not find it among them; nor is it incidental to any power which has been specifically granted.

It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which are specifically granted. The following are the powers from which it is said to be derived:

1st. From the right to establish post offices and post roads. 2d. From the right to declare war. 3d. To regulate commerce. 4th. To pay the debts and provide for the common defence and general welfare. 5th. From the power to make all laws necessary and proper for carrying into execution all the powers vested by the constitution in the Government of the United States, or in any department or officer thereof. 6th, and lastly. From the power to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States.

According to my judgment, it cannot be derived from either of those powers, nor from all of them united, and in consequence it does not exist.

Having stated my objections to the bill, I should now cheerfully communicate at large the reasons on which they are founded, if I had time to reduce them to such form as to include them in this paper. The advanced stage of the session renders that impossible. Having, at the commencement of my service in this high trust, considered it a duty to express the opinion, that the United States do not possess the power in question, and to suggest, for the consideration of Congress, the propriety of recommending to the States an amendment to the constitution, to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it. The form which this exposition has assumed, is not such as I should have given it, had it been intended for Congress, nor is it concluded. Nevertheless, as it contains my views on this subject, being one which I deem of very high importance, and which, in many of its bearings, has now become peculiarly urgent, I will communicate it to Congress, if in my power, in the course of the day, or certainly on Monday next.

JAMES MONROE.

WASHINGTON, May 4, 1822.

Mr. TAYLOR moved that the Message and the bill be laid on the table, which was carried—ayes 82.

H. OF R.]

Cumberland Road Repair Bill—President's Veto.

[MAY, 1832.]

MONDAY, May 6.

Collection of Duties, &c.

The House then went into a Committee of the Whole on the bill from the Senate to provide for the collection of duties on imports and tonnage in Florida, and for other purposes; a bill to authorize the building of light-houses therein mentioned, and for other purposes; and a bill further to establish the compensation of the collectors of the customs, and to alter certain collection districts, and for other purposes.

Mr. CAMBRELENG moved to strike out of the 9th section the words "New York." Mr. C. remarked, that he considered any attempt to amend the bill hopeless; but he thought there were some very strong circumstances in favor of excepting the revenue officers of the port of New York from the general reduction now about to be made. No gentleman would accuse him (Mr. C.) of a disposition to oppose any bill tending judiciously and justly to retrench the expenses of Government. He regretted that this bill had been kept back so long as to preclude debate. He would only detain the House a few moments. The salaries of these officers were regulated in 1790, and they have never been augmented or diminished since; in 1802 they were limited as they now are; it would be recollected that this was during Mr. Jefferson's Administration. Mr. C. was not the eulogist of that or any other Administration, but he believed it had been properly deemed an economical Administration. By looking to the history of the revenue of the port of New York, it appeared that in 1790, the amount of the revenue collected was \$470,000; at that time in the whole United States, the revenue collected was little more than three millions. The revenue collected at the port of New York last year, was \$7,200,000, and he presumed that during the present year the revenue would be between nine and ten millions, or equal to the half of the whole revenue of the United States. He asked whether, under these circumstances, it was proper or just to reduce the salaries of these officers. There were no officers under the Government who more faithfully earned their salaries—there was no department of the Government, Treasury, War, Navy, or State, with all their auditors and clerks, which performed as much labor as was executed at the custom-house at New York. As we had a few days since virtually rejected the bill reducing our own compensation, he hoped the House would, for this session, at least, forbear to touch the salaries of officers whose labors and responsibility had been so much increased in thirty years. It was a mistaken policy to change the salaries of revenue offices.

Mr. CHAMBERS again moved the previous question, which was sustained by the House—yeas 67, nays 46.

The question, "Shall the main question be now put?" was then taken by yeas and

nays, and decided in the affirmative—yeas 85, nays 51.

The main question, "Shall the bill, with the amendments, be ordered for a third reading?" was then put, and it was carried in the affirmative.

On motion of Mr. WALWORTH, a recess was ordered until 6 o'clock.

EVENING SESSION.

Cumberland Road Repair Bill—President's Veto.

On motion of Mr. TRIMBLE, the several orders of the day were postponed for the purpose; and the House proceeded to the reconsideration of the bill, entitled "An act for the preservation and repair of the Cumberland Road," which was returned to this House by the President of the United States on the 4th instant, with the objections which appear upon the Journal of the 4th instant, and which said bill is in the words following, to wit:

An Act for the preservation and repair of the Cumberland Road.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized to cause to be erected, on the national road leading from Cumberland, in the State of Maryland, to the river Ohio, so many toll houses, gates, and turnpikes, as, in his opinion, will be necessary and sufficient to collect the duties and tolls hereinafter mentioned, from all persons travelling on the same, to be erected at such places as he may determine; *Provided,* That the number of such gates and turnpikes shall not exceed twelve, nor be less than six; and that such gates and turnpikes shall be erected at a distance not less than ten miles from each other.

SEC. 2. *And be it further enacted,* That, as soon as the said gates and turnpikes shall be erected, the President of the United States is hereby authorized to appoint, or cause to be appointed, toll-gatherers, to demand and receive, for passing the said turnpikes, the tolls and rates hereinafter mentioned, who may stop any person riding, leading, or driving, any horses, cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, sleigh, sled, or other carriage of burden or pleasure, from passing through the said gates or turnpikes, until they shall respectively have paid the same, that is to say: For every space of twenty miles in length of the said road, the following sums of money, and so in proportion for any greater or lesser distance, to wit: For every score of sheep or hogs, six and a quarter cents; for every score of cattle, twelve and a half cents; for every led or drove horse, one cent; for every horse and rider, six and a quarter cents; for every sleigh or sled, for each horse and ox drawing the same, three cents; for every dearborn, sulky, chair, or chaise, with one horse, twelve and a half cents; for every chariot, coach, coachee, stage wagon, phaeton, chaise, or dearborn, with two horses and four wheels, eighteen and three-quarter cents; for either of the carriages last mentioned, with four horses, twenty-five cents. For every other carriage of pleasure, under whatever name it may go, the like sum, according to the

MAY, 1832.]

Cumberland Road Repair Bill—President's Veto.

[H. OF R.]

number of wheels and horses drawing the same. For every cart or wagon, whose wheels do not exceed the breadth of four inches, six and one-fourth cents for each horse or ox drawing the same. For every cart or wagon, whose wheels shall exceed in breadth four inches, and not exceeding six inches, three cents for every horse or ox drawing the same; and every other cart or wagon, whose wheels shall exceed six inches, shall pass the said gates free and clear of toll: *Provided*, That the President of the United States may authorize the superintendent of the road to commute the rates of toll with any person, or persons, by taking of him or them a certain sum annually, in lieu of the tolls aforesaid: *And provided, also*, That nothing in this act shall be construed so as to authorize any tolls to be received or collected from any person passing to or from public worship, or to or from his common business on his farm or woodland, or to or from a funeral, or to or from a mill: *And provided further*, That no toll shall be received or collected for the passage of any wagon or carriage laden with the property of the United States, or any cannon or military stores belonging to the United States, to any of the States composing this Union, or any person or persons on duty in the military service of the United States, or the militia of any of the States.

SEC. 8. *And be it further enacted*, That the said toll-gatherers shall settle their accounts quarterly with the superintendent of the road, and at all other times when thereunto required, and shall, at all times, pay over to him, on demand, the amount of tolls by them collected; and it shall be his duty to account for the same with the Secretary of the Treasury, once in each year, and quarterly, if required. And the said superintendent and toll-gatherers shall govern themselves by the rules and regulations which the President of the United States may from time to time prescribe.

SEC. 4. *And be it further enacted*, That the amount of tolls, after deducting therefrom the expenses and charges of collection, shall be applied, under the direction of the President of the United States, to the repairs and preservation of said road, in such manner, and under such regulations, as he may from time to time prescribe, and to no other purpose whatever.

SEC. 5. *And be it further enacted*, That directors shall be erected at proper and convenient situations, to caution all conductors or drivers of carriages on the road aforesaid, that they shall at all times pass on the left of each other, under the penalty of three dollars for every offence.

SEC. 6. *And be it further enacted*, That the President of the United States is hereby authorized to increase or diminish the tolls established by this act, in case it should be found upon trial that the sum collected is more, or less, than is necessary to keep the said road in repair; and to increase or lessen the tolls from time to time, on any particular kind of travelling or transportation, so as to preserve an equitable scale of rates, and to increase or diminish the tolls at such seasons of the year as he may direct: *Provided, however*, That the items of tolls shall not, at any time, be increased to more than double the rates herein established and allowed.

SEC. 7. *And be it further enacted*, That if any of the toll-gatherers shall unreasonably delay or hinder any passenger or traveller, at any of the gates, or shall demand or receive more toll than is by this act

established, he shall, for each and every such offence, forfeit and pay, to the party so aggrieved, the sum of ten dollars.

SEC. 8. *And be it further enacted*, That if any person who shall use the said road, shall, with a view to evade the payment of the tolls required by this act, leave the said road, and go round the said gates, every such person shall, for every such offence, forfeit and pay to, and for the use of, the United States, the sum of twelve dollars.

SEC. 9. *And be it further enacted*, That the toll gatherers on the said road shall, respectively, receive compensation for their services at the rate of twelve per cent. on the amount of tolls by them respectively collected: *Provided*, That the annual compensation of any toll gatherer shall never exceed the sum of three hundred and fifty dollars, nor shall the same be less in any one year than one hundred and twenty dollars; and in case of any deficiency in the amount collected by any toll gatherer, below the sum of one hundred and twenty dollars, the residue shall be paid out of the tolls collected at the other gates on the said road.

SEC. 10. *And be it further enacted*, That, for repairing the Cumberland road, the sum of nine thousand one hundred and ninety-four dollars and twenty-five cents, (being an unexpended balance of money appropriated by act of third March, one thousand eight hundred and nineteen, for completing the same,) be, and is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That all expenditures arising under this act, or connected with the support or repair of said road, beyond the sum herein appropriated, shall be defrayed out of the tolls collected under said acts, and from no other fund.

Mr. BASSETT, with a view to such a consideration of the subject as its importance appeared to him to require, moved to refer the bill and objections to a Committee of the Whole; but the House refused to commit the bill.

Mr. WRIGHT expressed in strong terms his approbation of the Message of the President, particularly on the ground that, to impose a toll on this particular road, while other roads were free, would be an unequal and oppressive tax, &c. He was, however, in favor of keeping this road in repair at the expense of the United States.

The question was then taken, "Shall this bill pass, notwithstanding the objections of the President of the United States?" and the vote was as follows:

YEAS.—Messrs. Barstow, Bateman, Blackledge, Burrows, Campbell of Ohio, Cassedy, Chambers, Cocke, Cook, Cushman, Cunthbert, Darlington, Denison, Dickinson, Durfee, Eddy, Edwards of Connecticut, Findlay, Fuller, Hardin, Hemphill, Hendricks, Hill, Hooks, Hubbard, Jackson, F. Johnson, Jones of Tennessee, Kirkland, Leftwich, Little, McCarty, McDuffie, Mercer, Metcalfe, Milnor, Montgomery, Moore of Pennsylvania, Moore of Virginia, Neale, Newton, Patterson of Pennsylvania, Plumer of New Hampshire, Plumer of Pennsylvania, Rankin, Reid of Georgia, Rich, Ross, Russ, Saunders, Sawyer, Scott, Sergeant, Sloan, S. Smith, W. Smith, Stewart, Stoddard, Swearingen, Tod, Tomlinson, Trimble, Upham,

Vance, Walker, Walworth, Williams of Virginia, and Woodson—68.

YAYS.—Messrs. Speaker, Alexander, Allen of Massachusetts, Archer, Ball, Bassett, Blair, Borland, Burton, Butler, Cambreleng, Campbell of New York, Cannon, Colden, Conner, Crafts, Crudup, Edwards of North Carolina, Eustis, Farrelly, Floyd, Gilmer, Gist, Gross, Harvey, Hawks, Hobart, J. S. Johnston, Jones of Virginia, Lincoln, Litchfield, Long, McCoy, McSherry, Matlack, Matson, Mattocks, Mitchell of Pennsylvania, Moore of Alabama, Morgan, Murray, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Patterson of New York, Phillips, Pitcher, Reed of Massachusetts, Reed of Maryland, Rhea, Rogers, Ruggles, Arthur Smith, Alexander Smyth, Spencer, Sterling of Connecticut, Tatnall, Taylor, Thomson, Tracy, Tucker of Virginia, Tucker of South Carolina, Van Wyck, Whipple, White, Williams of North Carolina, Williamson, Wilson, Wood, Woodcock, Worman, and Wright—72.

Two-thirds of all the members being required to carry this question, and a majority having voted against it, it was of course not carried; and the bill was rejected.

WEDNESDAY, May 8.

The House met at six o'clock, according to order, and, it appearing that a quorum was not present, and it being made known to the House that the Senate did not meet until ten o'clock to-day, a recess of this House was ordered until ten o'clock.

At ten o'clock the House reassembled, and continued in session, with occasional recesses, until all the business which was transacted yesterday was put in form, and the necessary messages interchanged between the President and the two Houses.

On motion of Mr. MALLARY, (Mr. TAYLOR being temporarily in the chair,) it was

Resolved, unanimously, That the thanks of this House be presented to the honorable PHILIP P. BARBOUR, for the assiduity, promptitude, and ability, with which he has administered the duties of the Chair during the present session.

Mr. HILL and Mr. LITTLE were appointed to announce to the President that the House had got through their business, and were ready to adjourn.

The committee having a little before three o'clock stated to the House, that the President had informed them he had no further communication to make—

Mr. Speaker BARBOUR rose and addressed the House as follows:

At the commencement of the present session, when I was unexpectedly called by you to the Chair, I expressed the profound sense of gratitude which I felt for that distinguished mark of your confidence; at the close of the session, I have to acknowledge a new and increased weight of obligation, arising from the resolution which you have this day adopted. I should not, under any circumstances, have been vain enough to suppose that I could have passed through the long and laborious session, which is just about to

be terminated, without falling into some error; still less could I have hoped for it, under the consciousness which I felt of my inexperience in relation to the duties of my office; if, however, I have erred, I trust it has been in points not material; I know it has been unintentional; and the approbation which you have to-day expressed of my conduct affords to me a gratifying proof, that, whilst you have given me a generous credit for the purity of my motives, whilst you have, with a kind indulgence, overlooked my defects, you have done more than justice to my best efforts to merit your good opinion. The recollection of these things will long be cherished by me as a source of pleasure; it will add to a sense of duty, a new motive to endeavor, by every possible exertion, to acquit myself of the high responsibility of my office, in a manner satisfactory to you. At this moment of approaching separation, permit me to assure you of my friendship and good feelings to you all, and to express the sincere desire, that, upon retiring from the toils of legislation, you may have a safe and happy return to the bosoms of your respective families, and that, when you have arrived there, you may enjoy the happiness and peace which ought to belong to the domestic state.

The SPEAKER then adjourned the House until the *first Monday in December next*, the day fixed by the Constitution of the United States for the annual meeting of Congress.

SUPPLEMENTAL SPEECH.

[From the *National Intelligencer*, October 16, 1855.]

A RELIC OF THE LATE WILLIAM LOWNDES.—Of all the distinguished men who have passed periods of their lives in either House of Congress there is certainly no one, of any thing like equal ability, who has left fewer traces on the page of history, or on the records of Congress, than WILLIAM LOWNDES, the eminent Representative for several years of the State of South Carolina. Not that he was less honored and respected, as well for his elevated patriotism and his fine intellect, as for his high moral qualities and his social virtues, than any one of his contemporaries in public life. But that so few of his eloquent speeches are to be found on record is attributable, in part, to his unfeigned diffidence, which placed less than their true value upon his own exertions, and in part to an objection which he had, on principle, to the practice, then general, of *writing out* speeches for publication, either before or after the delivery.

A sketch, however, of one of the briefest of the speeches of this eminent statesman, (who but for his retiring modesty might, to our knowledge, have worn the highest honors in the gift of his Government,) we are now enabled to present to our readers, through the kindness of a friend, into whose possession it came by the death of a relative. Besides the rarity of this production, as an exception to Mr. L.'s rule to decline writing out his speeches, the subject to which it relates cannot fail to interest every reader who rightly appreciates the memory of PERRY, the renowned naval commander, whose victory on Lake Erie, during the war of 1812, gave safety to the exposed frontier of the country, and greatly contributed, with the subsequent events, to bring about an honorable and happy peace.—*Editors Nat. Int.*

MAY, 1823.]

Supplemental Speech.

[H. OF R.]

Endorsed in Mr. Senator SILSBEE's handwriting, "SPEECH of Hon. W. LOWNDES, for the Relief of the Family of Commodore PERRY, written off by Mr. L. at my request." Session of 1820-'21.—Jan. 23—24.

Mr. Chairman: I could wish, but I dare not hope, that the gentleman from Kentucky, (Mr. HARDIN,) by withdrawing his amendment, will afford to the committee the opportunity of giving a direct vote on the bill which is before them. If the health of my friend from Virginia (Mr. RANDOLPH) had allowed him to explain his views to the committee, I should have been entirely silent. As it is, I shall say but a few words.

We do not object to the law which defines the cases in which pensions may be given by the Executive Government, and limits their amount. It is right that there should be a general rule, and that prescribed by the law is a safe one. It is a law to the Executive Government. But it does not withdraw from Congress the power. It cannot supersede the duty of expressing our gratitude for signal services, and of providing (where the letter of the law does not do so) for the family of the man who lived and died for his country.

The gentleman from Kentucky says that Commodore Perry did not die of a wound. It was his last regret that he had not fallen on the quarter-deck of his own ship. But the disease which carried him off was one to which he could not have been exposed but in obedience to the orders of his Government. He died not only while he was in service, but because he was in service. Shall we aggravate the irreparable loss of his family by leaving it in hopeless poverty? Gentlemen are unwilling to grant pensions. They are granted now. They fear, from the example of other nations, that we shall become profuse in our generosity. No Government has been lavish to the dead. Postpone the remuneration for the highest military services until the man who rendered them is no more, and the most suspicious economy may hug itself in confidence that the hour of dangerous extravagance has passed.

You will not say that our gratitude should end with the services of Commodore Perry—with his life? But, his services have not ended. We have still the inland seas which were recovered by his arms. His example lives; and if, at some period of future depression and dismay, we shall be told that single ships may annoy the commerce of our enemy, but that an assembled fleet would be a prize to a power

which it is wiser to elude than to resist, his example shall rebuke our weakness and enlighten our feeling. You will rally the desponding spirits of the country by his name. I am not willing to speak of the battle of Lake Erie. It is a theme for pride and emulation, and that temper is subdued in me now, by the condition of that man's family, to whom we owe the victory. But, though I cannot describe, never shall I forget the circumstances of that battle. Courage might have saved your fleet from capture, not from destruction. The highest praise of other men would have been to take refuge from captivity in honorable death. *The battle was already lost*; and it was at a moment when the rarest union of skill and courage could not have effected a retreat, that the genius of Perry gave you a victory. You all remember the despondence which preceded that victory, the confidence which followed it. It gave a new, and, I trust, a permanent direction to the naval policy of this country. I know of no action of modern or of ancient times where success has resulted more undeniably from the personal conduct of the commander. Two of the greatest actions of our day have been decided by the arrival of an unexpected reinforcement.* But who will tell me of another commander, who, in the most desperate peril of his battle, left the command which he could not otherwise save, and brought back with him the reinforcement which saved his victory? The naval glory of the country is without spot. I make no invidious demonstration. I apply no prism to the ray to separate the different colors whose general character is *light*. But the Navy which has done so much for the nation feels how much has been done by the battle of Lake Erie for its character and its prospects. There is not a seaman whose homely meal would not be embittered by the reflection that the family of his old commander had been excluded from the bounty of his Government. If, Mr. Chairman, that commander had longer lived, if another war, if an Atlantic Navy—— But I must not pursue this course of observation. My mind is sufficiently filled with the recollection of what he was, without reflecting upon what he would have been. We have, gentlemen, the fullest proof that the objects of the proposed bounty are entirely destitute. The question is a simple one. Will you decide, by your votes, that the children of Commodore Perry shall be without education—his wife without a home?

* Marengo and Waterloo.

SEVENTEENTH CONGRESS.—SECOND SESSION.

BEGUN AT THE CITY OF WASHINGTON, DECEMBER 2, 1822.

PROCEEDINGS IN THE SENATE.

MONDAY, December 2, 1822.

The Second Session of the Seventeenth Congress commenced this day at the city of Washington, conformably to the Constitution of the United States, and the Senate assembled.

PRESENT:

DAVID L. MORRILL, and JOHN F. PARBOTT, from New Hampshire.

JAMES LLOYD, from Massachusetts.

NEHEMIAH R. KNIGHT, from Rhode Island.

ELIJAH BOARDMAN, and JAMES LANMAN, from Connecticut.

WILLIAM A. PALMER, and HORATIO SEYMOUR, from Vermont.

RUFUS KING, and MARTIN VAN BUREN, from New York.

MAHLON DICKERSON, from New Jersey.

WILLIAM FINDLAY, and WALTER LOWRIE, from Pennsylvania.

CÆSAR A. RODNEY, and NICHOLAS VAN DYKE, from Delaware.

JAMES BARBOUR, and JAMES PLEASANTS, jr., from Virginia.

NATHANIEL MACON, from North Carolina.

JOHN GAILLARD, and WILLIAM SMITH, from South Carolina.

RICHARD M. JOHNSON, and ISHAM TALBOT, from Kentucky.

JOHN H. EATON, and JOHN WILLIAMS, from Tennessee.

ETHAN ALLEN BROWN, and BENJAMIN RUGLES, from Ohio.

JAMES BROWN, and HENRY JOHNSON, from Louisiana.

JAMES NOBLE, and WALLER TAYLOR, from Indiana.

DAVID HOLMES, and THOMAS H. WILLIAMS, from Mississippi.

NINIAN EDWARDS, from Illinois.

JOHN CHANDLER, and JOHN HOLMES, from Maine.

DAVID BARTON, from Missouri.

JOHN GAILLARD, President *pro tempore*, resumed the Chair.

JAMES LLOYD, appointed a Senator by the Legislature of the State of Massachusetts, to supply the vacancy occasioned by the death of HARRISON GRAY OTIS, produced his credentials, was qualified, and he took his seat in the Senate.

A quorum of the members being present, a message was, on motion of Mr. BARBOUR, sent to the House of Representatives, announcing the fact, and the readiness of the Senate to proceed to business.

On motion of Mr. BARBOUR, a committee was appointed to join the Committee of the House of Representatives to wait on the President of the United States, and inform him that the two Houses are ready to receive any communication from him; and Mr. KING, of New York, and Mr. MACON, were appointed; and the Senate then adjourned.

TUESDAY, December 3.

DANIEL D. TOMPKINS, Vice President of the United States and President of the Senate, attended.

Mr. KING, of New York, reported, from the joint committee, that they had waited on the President of the United States, and that the President of the United States informed the committee that he would make a communication to the two Houses this day.

Mr. LANMAN submitted a proposition for the appointment of two chaplains, to interchange weekly between the two Houses of Congress.

President's Annual Message.

After adopting several orders connected with the despatch of business—

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Fellow-citizens of the Senate and

House of Representatives:

Many causes unite to make our present meeting peculiarly interesting to our constituents. The operation of our laws on the various subjects to which

DECEMBER, 1822.]

President's Annual Message.

[SENATE.]

they apply, with the amendments which they occasionally require, impose, annually, an important duty on the representatives of a free people. Our system has happily advanced to such maturity, that I am not aware that your cares, in that respect, will be augmented. Other causes exist which are highly interesting to the whole civilized world, and to no portion of it more so, in certain views, than to the United States. Of these causes, and of their bearing on the interests of our Union, I shall communicate the sentiments which I have formed with that freedom which a sense of duty dictates. It is proper, however, to invite your attention, in the first instance, to those concerns respecting which Legislative provision is thought to be particularly urgent.

On the 24th of June last, a Convention of Navigation and Commerce was concluded, in this city, between the United States and France, by Ministers duly authorized for the purpose. The sanction of the Executive having been given to this convention under a conviction that, taking all its stipulations into view, it rested essentially on a basis of reciprocal and equal advantage, I deemed it my duty, in compliance with the authority vested in the Executive by the second section of the act of the last session, of the 6th May, concerning navigation, to suspend, by proclamation, until the end of the next session of Congress, the operation of the act, entitled "An act to impose a new tonnage duty on French ships and vessels, and for other purposes," and to suspend, likewise, all other duties on French vessels, or the goods imported in them, which exceeded the duties on American vessels, and on similar goods imported in them. I shall submit this convention forthwith to the Senate for its advice and consent as to the ratification.

Since your last session, the prohibition which had been imposed on the commerce between the United States and the British colonies, in the West Indies and on this continent, has likewise been removed. Satisfactory evidence having been adduced that the ports of those colonies had been opened to the vessels of the United States by an act of the British Parliament, bearing date on the 24th of June last, on the conditions specified therein, I deemed it proper, in compliance with the provision of the first section of the act of the last session above recited, to declare, by proclamation, bearing date on the 24th of August last, that the ports of the United States should thenceforward, and until the end of the next session of Congress, be open to the vessels of Great Britain employed in that trade, under the limitation specified in that proclamation.

A doubt was entertained whether the act of Congress applied to the British colonies on this continent, as well as to those in the West Indies; but, as the act of Parliament opened the intercourse equally with both, and it was the manifest intention of Congress, as well as the obvious policy of the United States, that the provisions of the act of Parliament should be met, in equal extent, on the part of the United States, and as also the act of Congress was supposed to vest in the President some discretion in the execution of it, I thought it advisable to give it a corresponding construction.

Should the constitutional sanction of the Senate be given to the ratification of the Convention with France, legislative provisions will be necessary to carry it fully into effect, as it likewise will be to continue in force, on such conditions as may be deemed just and proper, the intercourse which has been

opened between the United States and the British colonies. Every light in the possession of the Executive, will, in due time, be communicated on both subjects.

Resting essentially on a basis of reciprocal and equal advantage, it has been the object of the Executive, in transactions with other powers, to meet the propositions of each with a liberal spirit, believing that thereby the interest of our country would be most effectually promoted. This course has been systematically pursued in the late occurrences with France and Great Britain, and in strict accord with the views of the Legislature. A confident hope is entertained, that, by the arrangement thus commenced with each, all differences respecting navigation and commerce with the dominions in question, will be adjusted, and a solid foundation be laid for an active and permanent intercourse, which will prove equally advantageous to both parties.

The decision of His Imperial Majesty the Emperor of Russia, on the question submitted to him by the United States and Great Britain, concerning the construction of the first Article of the Treaty of Ghent, has been received. A Convention has since been concluded, between the parties, under the mediation of His Imperial Majesty, to prescribe the mode by which that article shall be carried into effect, in conformity with that decision. I shall submit this Convention to the Senate for its advice and consent, as to the ratification, and, if obtained, shall immediately bring the subject before Congress, for such provisions as may require the interposition of the Legislature.

In compliance with the act of the last session, a territorial government has been established in Florida, on the principles of our system.* By this act, the inhabitants are secured in the full enjoyment of their rights and liberties, and to admission into the Union, with equal participation in the government with the original States, on the conditions heretofore prescribed to other territories. By a clause in the ninth Article of the Treaty with Spain, by which that Territory was ceded to the United States, it is stipulated that satisfaction shall be made for the injuries, if any, which, by process of law, shall be established to have been suffered, by the Spanish officers, and individual Spanish inhabitants, by the late operations of our troops, in Florida. No provision having yet been made to carry that stipulation into effect, it is submitted to the consideration of Congress, whether it will not be proper to vest the

* In contradistinction to the Spanish system, which was only temporary, and to prevail while taking possession of the Territory, and until Congress could have time to organize a regular Territorial Government. The energy with which General Jackson had exercised the powers of Captain General of Cuba, had quickened the diligence of Congress, and the bill, "on the principles of our own system," was passed at the first session of Congress, after the exhibition of that energy. It was the first grade of the Territorial Government, as contained in the ordinance of '87, with so much of the second grade as admitted a resident council to a share in the legislative power—the same that had been allowed to the Orleans Territorial Government when a regular government was given to that Territory in place of the temporary Spanish system, which was continued as it was found until Congress had time to mature a government according to that constitution for Territories—the ordinance of '87, adopted by the Congress of '89.

competent power in the district court at Pensacola, or in some tribunal, to be specially organized for the purpose.

The fiscal operations of the year have been more successful than had been anticipated at the commencement of the last session of Congress.

The receipts into the Treasury during the three first quarters of the year, have exceeded the sum of fourteen millions seven hundred and forty-five thousand dollars. The payments made at the Treasury during the same period, have exceeded twelve millions two hundred and seventy-nine thousand dollars; leaving in the Treasury on the 30th day of September last, (including one million one hundred, and sixty-eight thousand five hundred and ninety-two dollars and twenty-four cents, which were in the Treasury on the first day of January last,) a sum exceeding four millions one hundred and twenty-eight thousand dollars.

Besides discharging all demands for the current service of the year, including the interest and reimbursement of the public debt, the six per cent. stock of 1796, amounting to eighty thousand dollars, has been redeemed. It is estimated that, after defraying the current expenses of the present quarter, and redeeming the two millions of six per cent. stock of 1820, there will remain in the Treasury, on the first day of January next, nearly three millions of dollars. It is estimated that the gross amount of duties which have been secured, from the first of January to the 30th of September last, has exceeded nineteen millions five hundred thousand dollars, and the amount for the whole year will probably not fall short of twenty-three millions of dollars.

Of the actual force in service under the present Military Establishment, the posts at which it is stationed, and the condition of each post, a report from the Secretary of War, which is now communicated, will give a distinct idea. By like reports, the state of the Academy at West Point will be seen, as will be the progress which has been made on the fortifications along the coast, and at the National Armories and Arsenals.

The position on the Red River, and that at the Sault of St. Marie, are the only new posts that have been taken. These posts, with those already occupied in the interior, are thought to be well adapted to the protection of our frontiers. All the force, not placed in the garrisons along the coast, and in the ordnance depots, and indispensably necessary there, is placed on the frontiers.

The organization of the several corps composing the army, is such as to admit its expansion to a great extent, in case of emergency, the officers carrying with them all the light which they possess to the new corps, to which they might be appointed.

With the organization of the staff, there is equal cause to be satisfied. By the concentration of every branch, with its chief in this city, in the presence of the Department, and with a grade, in the chief military station, to keep alive and cherish a military spirit, the greatest promptitude in the execution of orders, with the greatest economy and efficiency, are secured. The same view is taken of the Military Academy. Good order is preserved in it, and the youth are well instructed in every science connected with the great objects of the Institution. They are also well trained and disciplined in the practical parts of the profession. It has been always found difficult to control the ardor inseparable from that

early age, in such manner as to give it a proper direction. The rights of manhood are too often claimed, prematurely; in pressing which too far, the respect which is due to age, and the obedience necessary to a course of study and instruction, in every such institution, are sometimes lost sight of. The great object to be accomplished, is the restraint of that ardor, by such wise regulations and government, as, by directing all the energies of the youthful mind to the attainment of useful knowledge, will keep it within a just subordination, and at the same time elevate it to the highest purposes. This object seems to be essentially obtained in this Institution, and with great advantage to the Union.

The Military Academy forms the basis, in regard to science, on which the Military Establishment rests. It furnishes annually, after due examination, and on the report of the academic staff, many well-informed youths to fill the vacancies which occur in the several corps of the army, while others, who retire to private life, carry with them such attainments, as, under the right reserved to the several States to appoint the officers, and to train the militia, will enable them, by affording a wider field for selection, to promote the great object of the power vested in Congress, of providing for the organizing, arming, and disciplining the militia. Thus, by the mutual and harmonious co-operation of the two Governments, in the execution of a power divided between them, an object always to be cherished, the attainment of a great result, on which our liberties may depend, cannot fail to be secured. I have to add, that, in proportion as our regular force is small, should the instruction and discipline of the militia, the great resource on which we rely, be pushed to the utmost extent that circumstances will admit.

A report from the Secretary of the Navy will communicate the progress which has been made in the construction of vessels of war, with other interesting details respecting the actual state of the affairs of that department. It has been found necessary for the protection of our commerce, to maintain the usual squadrons on the Mediterranean, the Pacific, and along the Atlantic coast, extending the cruises of the latter into the West Indies, where piracy, organized into a system, has preyed on the commerce of every country trading thither. A cruise has also been maintained on the coast of Africa, when the season would permit, for the suppression of the slave trade; and orders have been given to the commanders of all our public ships to seize our own vessels, should they find any engaged in that trade, and to bring them in for adjudication.

In the West Indies piracy is of recent date, which may explain the cause why other powers have not combined against it. By the documents communicated, it will be seen that the efforts of the United States to suppress it, have had a very salutary effect. The benevolent provision of the act, under which the protection has been extended alike to the commerce of other nations, cannot fail to be duly appreciated by them.

In compliance with the act of the last session, entitled "An act to abolish the United States Trading Establishments," agents were immediately appointed, and instructed, under the direction of the Secretary of the Treasury, to close the business of the trading-houses among the Indian tribes, and to settle the accounts of the factors and sub-factors engaged in that trade, and to execute, in all other respects, the in-

DECEMBER, 1822.]

President's Annual Message.

[SENATE.]

junctions of that act, in the mode prescribed therein. A final report of their proceedings shall be communicated to Congress as soon as it is received.

It is with great regret I have to state that a serious malady has deprived us of many valuable citizens at Pensacola, and checked the progress of some of those arrangements which are important to the Territory. This effect has been sensibly felt in respect to the Indians who inhabit that Territory, consisting of the remnants of several tribes, who occupy the middle ground between St. Augustine and Pensacola, with extensive claims, but undefined boundaries. Although peace is preserved with those Indians, yet their position and claims tend essentially to interrupt the intercourse between the Eastern and Western parts of the Territory, on which our inhabitants are principally settled. It is essential to the growth and prosperity of the Territory, as well as to the interests of the Union, that these Indians should be removed, by special compact with them, to some other position, or concentrated within narrower limits where they are. With the limited means in the power of the Executive, instructions were given to the Governor to accomplish this object, so far as it might be practicable, which was prevented by the distressing malady referred to. To carry it fully into effect, in either mode, additional funds will be necessary, to the provision of which the powers of Congress alone are competent. With a view to such provision as may be deemed proper, the subject is submitted to your consideration, and, in the interim, further proceedings are suspended.

It appearing that so much of the act, entitled "An act regulating the staff of the Army," which passed on the 14th April, 1818, as relates to the Commissariat, will expire in April next, and the practical operation of that department having evinced its great utility, the propriety of its renewal is submitted to your consideration.

The view which has been taken of the probable productiveness of the lead mines, connected with the importance of the material to the public defence, makes it expedient that they should be managed with peculiar care. It is therefore suggested whether it will not comport with the public interest to provide by law for the appointment of an agent skilled in mineralogy, to superintend them, under the direction of the proper department.

It is understood that the Cumberland road, which was constructed at a great expense, has already suffered from the want of that regular superintendence, and of those repairs, which are indispensable to the preservation of such a work. This road is of incalculable advantage, in facilitating the intercourse between the Western and the Atlantic States. Through it, the whole country from the northern extremity of Lake Erie to the Mississippi, and from all the waters which empty into each, finds an easy and direct communication to the seat of Government, and thence to the Atlantic. The facility which it affords to all military and commercial operations, and also to those of the Post Office Department, cannot be estimated too highly. This great work is likewise an ornament and an honor to the nation. Believing that a competent power to adopt and execute a system of internal improvement has not been granted to Congress, but that such a power, confined to great national purposes, and with proper limitations, would be productive of eminent advantage to our Union, I have thought it advisable that an amendment of the

constitution, to that effect, should be recommended to the several States. A bill which assumed the right to adopt and execute such a system having been presented for my signature, at the last session, I was compelled, from the view which I had taken of the powers of the General Government, to negative it, on which occasion I thought it proper to communicate the sentiments which I had formed, on mature consideration, on the whole subject. To that communication, in all the views in which the great interest to which it relates may be supposed to merit your attention, I have now to refer. Should Congress, however, deem it improper to recommend such an amendment, they have, according to my judgment, the right to keep the road in repair, by providing for the superintendence of it, and appropriating the money necessary for repairs. Surely, if they had the right to appropriate money to make the road, they have a right to appropriate it to preserve the road from ruin. From the exercise of this power no danger is to be apprehended. Under our happy system, the people are the sole and exclusive fountain of power. Each government originates from them, and to them alone, each to its proper constituents, are they respectively and solely responsible, for the faithful discharge of their duties, within their constitutional limits. And that the people will confine their public agents, of every station, to the strict line of their constitutional duties, there is no cause to doubt. Having, however, communicated my sentiments to Congress, at the last session, fully, in the document to which I have referred, respecting the right of appropriation, as distinct from the right of jurisdiction and sovereignty over the territory in question, I deem it improper to enlarge on the subject here.

From the best information that I have been able to obtain, it appears that our manufactures, though depressed immediately after the peace, have considerably increased, and are still increasing, under the encouragement given them by the tariff of 1816, and by subsequent laws. Satisfied I am, whatever may be the abstract doctrine in favor of unrestricted commerce, provided all nations would concur in it, and it was not liable to be interrupted by war, which has never occurred, and cannot be expected, that there are other strong reasons applicable to our situation, and relations with other countries, which impose on us the obligation to cherish and sustain our manufactures. Satisfied, however, I likewise am, that the interest of every part of our Union, even of those most benefited by manufactures, requires that this subject should be touched with the greatest caution, and a critical knowledge of the effect to be produced by the slightest change. On full consideration of the subject, in all its relations, I am persuaded that a further augmentation may now be made of the duties on certain foreign articles, in favor of our own, and without affecting, injuriously, any other interest. For more precise details, I refer you to the communications which were made to Congress during the last session.

So great was the amount of accounts for moneys advanced during the late war, in addition to others of a previous date, which, in the regular operations of the Government, necessarily remained unsettled, that it required a considerable length of time for their adjustment. By a report from the First Comptroller of the Treasury, it appears that on the fourth of March, 1817, the accounts then unsettled amount-

ed to one hundred and three millions sixty-eight thousand eight hundred and seventy-six dollars and forty-one cents, of which, on the 30th of September of the present year, ninety-three millions one hundred and seventy-five thousand three hundred and ninety-six dollars and fifty-six cents had been settled; leaving on that day a balance unsettled of nine millions eight hundred and ninety-three thousand four hundred and seventy-nine dollars and eighty-five cents. That there have been drawn from the Treasury, in paying the public debt, and sustaining the Government in all its operations and disbursements since the 4th of March, 1817, one hundred and fifty-seven millions one hundred and ninety-nine thousand three hundred and eighty dollars and ninety-six cents, the accounts for which have been settled to the amount of one hundred and thirty-seven millions five hundred and one thousand four hundred and fifty-one dollars and twelve cents; leaving a balance unsettled of nineteen millions six hundred and ninety-seven thousand nine hundred and twenty-nine dollars and eighty-four cents. For precise details respecting each of these balances, I refer to the report of the Comptroller, and the documents which accompany it.

From this view it appears that our commercial differences with France and Great Britain have been placed in a train of amicable arrangement, on conditions fair and honorable in both instances to each party; that our finances are in a very productive state, our revenue being at present fully competent to all the demands upon it; that our military force is well organized in all its branches, and capable of rendering the most important service, in case of emergency, that its number will admit of; that due progress has been made, under existing appropriations, in the construction of fortifications and in the operations of the Ordnance Department; that due progress has, in like manner, been made in the construction of ships of war; that our Navy is in the best condition, felt and respected in every sea in which it is employed for the protection of our commerce; that our manufactures have augmented in amount and improved in quality; that great progress has been made in the settlement of accounts, and in the recovery of the balances due by individuals; and that the utmost economy is secured and observed in every Department of the Administration.

Other objects will likewise claim your attention; because, from the station which the United States hold as a member of the great community of nations, they have rights to maintain, duties to perform, and dangers to encounter.

A strong hope was entertained that peace would ere this have been concluded between Spain and the independent Governments south of the United States in this hemisphere. Long experience having evinced the competency of those Governments to maintain the independence which they have declared, it was presumed that the considerations which induced their recognition by the United States, would have had equal weight with other powers, and that Spain herself, yielding to those magnanimous feelings of which her history furnishes so many examples, would have terminated, on that basis, a controversy so unavailing, and at the same time so destructive. We still cherish the hope that this result will not long be postponed.

Sustaining our neutral position, and allowing to each party, while the war continues, equal rights, it

is incumbent on the United States to claim of each with equal rigor, the faithful observance of our rights, according to the well-known law of nations. From each, therefore, a like co-operation is expected in the suppression of the piratical practice which has grown out of this war, and of blockades of extensive coasts on both seas, which, considering the small force employed to sustain them, have not the slightest foundation to rest on.

Europe is still unsettled, and although the war long menaced between Russia and Turkey has not broken out, there is no certainty that the differences between those powers will be amicably adjusted. It is impossible to look to the oppressions of the country, respecting which those differences arose, without being deeply affected. The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public liberty, are associated with our recollections of ancient Greece. That such a country should have been overwhelmed, and so long hidden, as it were, from the world, under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds for ages past. It was natural, therefore, that the reappearance of these people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor, which have been so signally displayed throughout the United States. A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of the earth.

A great effort has been made in Spain and Portugal to improve the condition of the people, and it must be very consoling, to all benevolent minds, to see the extraordinary moderation with which it has been conducted. That it may promote the happiness of both nations, is the ardent wish of this whole people, to the expression of which we confine ourselves; for, whatever may be the feelings or sentiments which every individual under our Government has a right to indulge and express, it is, nevertheless, a sacred maxim, equally with the Government and people, that the destiny of every independent nation, in what relates to such improvements, of right belongs, and ought to be left, exclusively to themselves.

Whether we reason from the late wars, or from those menacing symptoms which now appear in Europe, it is manifest that, if a convulsion should take place in any of those countries, it will proceed from causes which have no existence, and are utterly unknown in these States, in which there is but one order, that of the people, to whom the sovereignty exclusively belongs. Should war break out in any of those countries, who can foretell the extent to which it may be carried, or the desolation which it may spread! Exempt as we are from these causes, our internal tranquillity is secure; and, distant as we are from the troubled scene, and faithful to first principles, in regard to other powers, we might reasonably presume that we should not be molested by them. This, however, ought not to be calculated on as certain. Unprovoked injuries are often inflicted, and even the peculiar felicity of our situation might, with some, be a cause for excitement and aggression. The history of the late wars in Europe furnishes a

DECEMBER, 1822.]

Christian Indians in Ohio.

[SENATE.]

complete demonstration that no system of conduct, however correct in principle, can protect neutral powers from injury from any party; that a defenceless position, and distinguished love of peace, are the surest invitations to war; and that there is no way to avoid it, other than by being always prepared, and willing, for just cause, to meet it. If there be a people on earth whose more especial duty it is to be at all times prepared to defend the rights with which they are blessed, and to surpass all others in sustaining the necessary burdens, and in submitting to sacrifices to make such preparations, it is undoubtedly the people of these States.

When we see that a civil war, of the most frightful character, rages from the Adriatic to the Black Sea; that strong symptoms of war appear in other parts, proceeding from causes which, should it break out, may become general, and be of long duration; that the war still continues between Spain and the Independent Governments, her late provinces in this hemisphere; that it is likewise menaced between Portugal and Brazil, in consequence of the attempt of the latter to dismember itself from the former; and that a system of piracy, of great extent, is maintained in the neighboring seas, which will require equal vigilance and decision to suppress it, the reasons for sustaining the attitude which we now hold, and for pushing forward all our measures of defence with the utmost vigor, appear to me to acquire new force.

The United States owe to the world a great example, and, by means thereof, to the cause of liberty and humanity, a generous support. They have so far succeeded, to the satisfaction of the virtuous and enlightened of every country. There is no reason to doubt that their whole movement will be regulated by a sacred regard to principle, all our institutions being founded on that basis. The ability to support our own cause, under any trial to which it may be exposed, is the great point on which the public solicitude rests. It has been often charged against free Governments, that they have neither the foresight nor the virtue to provide, at the proper season, for great emergencies; that their course is improvident and expensive; that war will always find them unprepared, and whatever may be its calamities, that its terrible warnings will be disregarded and forgotten as soon as peace returns. I have full confidence that this charge, so far as relates to the United States, will be shown to be utterly destitute of truth.

JAMES MONROE.

WASHINGTON, Dec. 3, 1822.

The Message and accompanying documents were read, and three thousand copies thereof ordered to be printed for the use of the Senate.

WEDNESDAY, December 4.

NICHOLAS WARE, from the State of Georgia, attended.

THURSDAY, December 5.

JESSE B. THOMAS, from the State of Illinois, attended.

MONDAY, December 9.

SAMUEL L. SOUTHARD, from the State of New Jersey, arrived on the sixth instant, and attended this day.

VOL. VII.—23

On motion of Mr. PLEASANTS, the Senate proceeded to the election of a Chaplain, and on counting the ballots, they stood as follows:

For the Rev. CHARLES MCILVAINE - - 28

" Rev. JOHN BRICE - - - - 9

Mr. MCILVAINE having received a majority of the whole number of votes, was accordingly elected.

TUESDAY, December 10.

ELIJAH H. MILLS, from the State of Massachusetts; and, also, THOMAS H. BENTON, from the State of Missouri, severally attended this day.

Pirates in the West Indies.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

Recent information of the multiplied outrages and depredations which have been committed on our seamen and commerce, by the pirates, in the West Indies and Gulf of Mexico, exemplified by the death of a very meritorious officer, seems to call for some prompt and decisive measures on the part of the Government. All the public vessels adapted to that service, which can be spared from other indispensable duties, are already employed in it; but, from the knowledge which has been acquired of the places from whence these outlaws issue, and to which they escape from danger, it appears that it will require a particular kind of force, capable of pursuing them into the shallow waters to which they retire, effectually to suppress them. I submit to the consideration of the Senate the propriety of organizing such force for that important object.

JAMES MONROE.

WASHINGTON, December 9, 1822.

The Message was read, and referred to the Committee on Naval Affairs.

Christian Indians in Ohio.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with a resolution of the Senate, of the 22d February last, "requesting the President of the United States to cause to be collected and communicated to the Senate, at the commencement of the next session of Congress, the best information which he may be able to obtain, relative to certain Christian Indians, and the lands intended for their benefit, on the Muskingum, in the State of Ohio, granted under an act of Congress of June 1st, 1790, to the Society of the United Brethren for propagating the Gospel among the heathen; showing as correctly as possible, the advance or decline of said Indians in numbers, morals, and intellectual endowments; whether the lands have inured to their sole benefit, and if not, to whom, in whole or in part, have such benefits accrued;" I transmit a report from the Secretary of War, with the accompanying documents.

JAMES MONROE.

WASHINGTON, December 9, 1822.

The Message and accompanying documents

SENATE.]

Suppression of Piracy.

[DECEMBER, 1822.]

were read, and ordered to be printed for the use of the Senate.

Imprisonment for Debt.

Agreeably to notice, Mr. JOHNSON, of Kentucky, having obtained leave, introduced a bill to abolish imprisonment for debt, by the courts of the United States; and the bill was twice read by general consent, and referred to the Committee on the Judiciary.

WEDNESDAY, December 11.

JAMES D'WOLF, from the State of Rhode Island and Providence Plantations, attended this day.

THURSDAY, December 12.

Suppression of Piracy.

Mr. PLEASANTS, from the Committee on Naval Affairs, reported the following bill, which was twice read by general consent:

Be it enacted, &c., That, for the purpose of enabling the President of the United States to afford more efficient protection to the commerce of the United States, from the depredations of pirates in the Gulf of Mexico and the West India seas, the sum of — dollars is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated; which sum shall be used by the President in providing such an additional force as in his judgment shall be best calculated to answer the end aforesaid.

[Accompanying this bill, Mr. PLEASANTS laid before the Senate a communication from the Secretary of the Navy to the Chairman of the Naval Committee, furnishing estimates of the additional force deemed necessary for the suppression of piracy, and the expense thereof. The Secretary, having the concurring opinion of the Navy Board in its favor, recommends an additional force, of

First, 1 steamboat of 90 to 120 tons, to carry two 18 pounders, and two 12 pounders, upon travelling carriages, so as to fire from any part of the vessel. Second, 10 fast sailing schooners, of 45 to 60 tons burden, to draw not more than 5 to 7 feet water; each to be armed with one long 12 or 18 pounder, mounted on a circle, with two 12 pound carronades, with the necessary number of small arms; to row from 20 to 24 sweeps; and, Third, 5 light double bark cutters, each to row 20 oars, and adapted to carry 40 men, well armed with muskets, pistols, boarding pikes, cutlasses, &c.

The whole cost of procuring these additional vessels and of equipping and fitting them for service, is estimated at \$44,000.]

MONDAY, December 16.

The PRESIDENT communicated a letter from JAMES PLEASANTS, notifying the resignation of his seat in the Senate, which was read.

Suppression of Piracy.

The Senate, according to the order of the day, took up as in Committee of the Whole, the bill making an appropriation of — dollars "for the purpose of enabling the President of the United States to afford more efficient protection to the commerce of the United States from the depredations of pirates in the Gulf of Mexico and the West India seas, by providing such additional force as in his judgment shall be best calculated to answer that end."

The Senate had made some progress in the consideration of this bill, and had adopted one or two verbal amendments to it, when

The bill which passed the House of Representatives on Friday last, on the same subject, was brought up by the Clerk of that House for the concurrence of the Senate.

On motion of Mr. BARBOUR, (who thought it best, before the Senate proceeded further with their own bill, that they should see what course the other House had adopted on this subject,) the Senate laid their own bill on the table, and took up the bill of the House of Representatives.

This bill was then twice read, by general consent, and the Senate proceeded to its consideration in Committee of the Whole.

[The bill of the House of Representatives provides, "That the President of the United States be, and he hereby is, authorized to purchase or construct a sufficient number of vessels, in addition to those now employed, of such burden and construction as he may deem necessary, and to fit, equip, and man the same for immediate service, for the purpose of repressing piracy, and of affording effectual protection to the citizens and commerce of the United States in the Gulf of Mexico, and the seas and territories adjacent; and that the sum of — dollars be appropriated to meet the expenditure to be incurred as aforesaid, and paid out of any money in the Treasury, not otherwise appropriated."]

The bill having been read through—

Mr. BARBOUR rose to move that the bill of the Senate be substituted for that of the House of Representatives, by adopting it as an amendment thereto. He was of opinion that the bill of the Senate was preferable to the other in the plan which it proposed for adoption. The bill of the other House, he said, appropriated the fund proposed to be applied to the object to specific purposes, leaving no discretion with the Executive in its application; whereas, the bill of the Senate left, as it ought to leave, the appropriation of the money to the President's discretion, without any control or limitation of that sort. In all warlike objects he thought it was consistent with the theory of our Government, to leave the application of money, except in cases of great urgency, to the discretion and judgment of the Executive. Congress could not anticipate the various phases which might arise, and could not judge what might be the most judicious mode of applying the appropriation to attain the object in view. The theory of

DECEMBER, 1832.]

Suppression of Piracy.

[SENATE.]

the Constitution preferred that the means be placed in the hands of the President, who is responsible to the nation for the application of the money and the mode of conducting the defence of the country, or other warlike measures. He, for this reason, thought it expedient to adopt the bill of the Senate in preference to that of the other House. Mr. B. said he had observed that it had been questioned elsewhere, [alluding obviously to the debate which had taken place in the House of Representatives on Friday,] how far the power of the President reached in the punishment of those buccaneers; and although there was perhaps no necessity for introducing in the bill any instructions to the Executive on this point, he had no hesitation in avowing it as his opinion, that pirates might be pursued and seized in a neutral territory. Mr. B. would not say that our officers might go into a neutral territory in search of those outlaws; but he had no doubt, in the heat of pursuit, they might be followed and punished in the territory of a neutral power. The principle he took to be the same as that which prevailed in municipal regulations. You may not of right go into the grounds of a neighbor to start the chase; but, having started it elsewhere, you may pursue it into your neighbor's limits. Mr. B. did not believe any nation or any authority would feel itself aggrieved by having those freebooters pursued within its jurisdiction for punishment, or could so far sympathize with such atrocious beings as not to rejoice in their extermination—beings who were *hostes humani generis*—who bore the mark of Cain upon their foreheads—whose hand was raised against every man—who, therefore, deserved death at every man's hand, and whom it was just and proper to exterminate wheresoever they could be found. He concluded, by hoping the Senate would agree to his motion to take its own bill in preference to that of the other House.

Mr. CHANDLER thought it of importance to act with the greatest degree of promptitude on this subject; that as he did not see any material difference between the two bills, and the adoption of the Senate's bill in preference to the other would produce a delay of at least one day, (as it would be necessary to send the substitute to the other House for concurrence,) he should vote against the amendment.

Mr. BROWN, of Louisiana, could not perceive between the two bills any essential difference. One contained a simple appropriation authorizing the President to build or purchase additional vessels to put down piracy; the other appropriated the money, leaving the details of its application with the Executive. There was in this no difference sufficient to justify delay, and he should regret to see any created by an unnecessary amendment.

Mr. HOLMES, of Maine, recited the provisions of the two bills to show that there was no substantial difference between them; and he thought it was hardly worth while to send the bill back to the House of Representatives for

the trifling difference in form which existed. The President would have the same powers, substantially, in one case, as the other, and would no doubt under either, adopt the course he should think best to accomplish the object in view.

Mr. BARBOUR remarked that he had intended to express to the Senate his willingness, if it should be deemed necessary, to insert a clause in the bill authorizing the Executive to pursue the buccaneers whithersoever they might fly; because he believed it would be right and lawful to do so; but he did not know that such an instruction was necessary. He proceeded further to justify his preference of the bill of the Senate to that from the other House; he believed there was a substantial and material difference between them, rendering the one more expedient than the other, and asked if four-and-twenty hours could be so important a delay as to induce the Senate to adopt an exceptionable bill merely to save that much time? In one of those bills the President was peremptorily directed to build or purchase additional vessels, and if it should appear to the President that the object could be arrived at more promptly by any other course, he would not be permitted to depart from the strict regulations of the law. By the bill of the Senate all the power was conferred on the Executive, without limiting him as to the mode by which he might afford additional protection to our commerce against the pirates. This being, in his view, an important difference—the difference between specific and general powers—he hoped the Senate would adopt their own bill, instead of the one under consideration.

Mr. HOLMES, of Maine, rejoined, that the House bill could mean nothing different from what was intended by the Senate's bill. The former authorized the President to procure additional naval force—the latter could mean only the same thing, unless, indeed, it was thought practicable for the President to send the Army or the militia out against the pirates; but as it was not probable the Executive would think of ordering either the Army or the militia out on this service, the bill of the Senate could authorize nothing else than naval force, though it did not expressly say so. The House bill merely specified what the Senate's bill intended, and could only produce; and as it would save time to pass the former, he hoped the amendment would not be agreed to.

The question was then taken on Mr. BARBOUR's motion to substitute the Senate's bill for that of the other House, and was decided in the negative—ayes 15, noes 22.

The bill was then reported to the Senate without amendment, ordered to a third reading by general consent; and

On motion of Mr. BARBOUR, it was read a third time, without objection, passed *nem. con.* and returned to the other House.

TUESDAY, December 17.

SAMUEL SMITH, appointed a Senator by the Legislature of the State of Maryland, in place of William Pinkney, deceased, produced his credentials, and took his seat in the Senate.

MONTFORT STOKES, from the State of North Carolina; and, also, WILLIAM R. KING, from the State of Alabama, severally attended this day.

MONDAY, December 80.

EDWARD LLOYD, from the State of Maryland, attended this day.

JOHN TAYLOR, appointed a Senator by the Legislature of the State of Virginia, in place of James Pleasants, resigned, produced his credentials, was qualified, and took his seat in the Senate.

TUESDAY, December 81.

Robert Purdy.

The Senate took up, in Committee of the Whole, the bill for the relief of Colonel Robert Purdy.

[The circumstances on which this bill was founded, were, according to the report of the Committee on Military Affairs, the following: In the year 1809, Robert Purdy, the petitioner, was a Lieutenant Colonel in the Army of the United States, and in command of the troops stationed at Highwassee garrison. A certain William Luty, a *pedlar by occupation*, applied for permission to sell goods to the soldiers, which was granted him on condition that he would not sell spirituous liquors to the soldiers, nor Indian countrymen. Shortly after said Luty obtained this permission, he was detected in violating garrison orders, whereupon he was confined under guard, and was convicted by a court of inquiry, of having sold spirits, both to the troops and Indian countrymen. Luty was kept under guard for about three days, when he was liberated and directed to leave the garrison; but, instead of complying with these directions, Luty got possession of one or two cabins near the garrison, and within the Indian territory, where he continued to sell spirits, to the great injury of the subordination and discipline of the garrison, and in violation of the laws regulating intercourse with the Indian tribes. Colonel Purdy ordered the cabins in which Luty had taken shelter to be pulled down, and they were demolished accordingly. After Luty was thus forced to leave the garrison, he instituted actions of trespass and false imprisonment against Colonel Purdy, and thereby subjected him to the payment of \$816 70 costs, and charges. It appears that the court in Tennessee claimed and exercised jurisdiction of acts committed within the Indian territory, and determined that Luty could not be considered a sutler, because he was prohibited from selling *spirits*. The committee remark that it is a subject of much delicacy to review the decisions of our courts of justice: but are compelled to remark, that the jurisdiction of the court in this case is doubtful, to say the least of it. And they are confident that a license to sell spirits is not essential to constitute the character of a sutler. But, admitting the court to be correct, both as to jurisdiction, and the definition of a sutler, yet the committee are of opinion the petitioner is entitled to relief. Because, they are satisfied he acted with the sole view of promoting the public interest con-

fided to his command; that he had no other means of restoring order and subordination among the troops, and of enforcing the laws of the United States, regulating intercourse with the Indian tribes. And, that he pursued, on this occasion, the same course which had been universally adopted by the commanding officer of our frontier garrisons. And, therefore, they reported the bill for his relief.]

Mr. WILLIAMS, of Tennessee, recapitulated, for the information of gentlemen who were not in the Senate in former sessions when this bill was considered, the facts of the case, and the reasons generally which rendered its passage just and equitable.

Mr. MACON made an inquiry or two of the chairman of the Military Committee, relative to some of the facts stated in the report, touching the legality of the conduct of Colonel Purdy. It was a pretty high-handed measure, Mr. M. said, for a citizen to be imprisoned by a military officer, and he wished to be satisfied that the act was justifiable.

Mr. WILLIAMS, of Tennessee, replied to the question of Mr. MACON. The cabins occupied by Luty were on the line of the Indian territory, and when that part which was within the boundary was demolished, the other of course fell. When Luty committed the act for which he was imprisoned, it was not only within the Indian reservation, but within the encampment ground of Colonel Purdy. Mr. W. said the courts of Tennessee had decided that the jurisdiction of the State was coextensive with its chartered limits, as well within the Indian grounds as where the Indian title had been extinguished, and had, in pursuance of that principle, given damages to Luty. The courts of Georgia, Mr. W. said, he understood had decided differently, and he was inclined to think this decision was a correct one, though he was not prepared to give a positive opinion.

After a few further explanatory remarks from Mr. MACON and Mr. WILLIAMS, the question was taken on ordering the bill to be engrossed and read a third time, and carried without a division.

Adjourned to Friday.

FRIDAY, January 3, 1823.

Cost of Building certain Ships of War.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with the three resolutions of the Senate, of the 5th April, 1822, requesting the President of the United States to communicate, in detail, the expenses of building each vessel of war authorized by the act of the 2d of January, 1813, and its supplements; and, also, the names, number, grade, &c., of the officers and men employed at each naval station, during the two years immediately preceding the first of January, 1822, I herewith transmit a report from the Secretary of the Navy, with the accompanying documents, which contain the desired information.

JAMES MONROE.

WASHINGTON, January 3, 1823.

JANUARY, 1823.]

Ghent Treaty.

[SENATE.]

The Message and documents were read, and ordered to be printed for the use of the Senate.

WEDNESDAY, January 8.

JOHN ELLIOTT, from the State of Georgia, attended this day.

Suppression of Piracy.

The resolution offered by Mr. RODNEY on Monday, instructing the Committee on Naval Affairs to inquire into the expediency of allowing a bounty to the public armed vessels and private armed vessels of the United States, for prisoners captured and the guns taken by them in any piratical vessel, was read for consideration.

Mr. RODNEY said he thought that in the war we were waging against the buccaneers of the West Indian seas, the Government ought to hold out inducements to our officers and seamen, greater than were now offered to them, and thus do all in its power to put a speedy end to the war. In such a warfare, he had no idea that there was any thing like honor to be acquired, and as that stimulus was not afforded to the brave men who would be engaged in prosecuting it, something ought to be held out to them in its place. It was a warfare of much danger; the service was arduous, and the exposure, day and night, which such a service required, was, in those seas, extremely hazardous, from the great liability to the fatal diseases of the climate. He thought, also, that some encouragement ought to be held out to private armed vessels to co-operate, as far as possible, in bringing this war to a close. What that encouragement ought to be, he could not say; that would be left to the wisdom of the Senate. The late war afforded, however, a precedent for his object, and that was the amount of the bounty. In that contest a bounty of \$25 for each prisoner was at first allowed, and, subsequently, \$50 were granted. The bounty which he proposed, Mr. R. said, would have the further effect of inducing sailors to enter the public service, and thus place promptly in the hands of the officer charged with conducting the expedition (and a most suitable and excellent appointment it was) the means of prosecuting the war effectually. It was demanded by the interest of the country, Mr. R. said, that it should be so prosecuted, and ended as soon as possible, as the commerce of the country had suffered, from the depredations of piracy, a degree of prostration which it had not experienced for a long time before. Under these impressions, he had offered the resolution for the investigation of the Naval Committee.

The resolution was agreed to.

FRIDAY, January 17.

Ghent Treaty—Deportation of Slaves—Award of the Emperor Alexander.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Vice President of the

United States, and President of the Senate:

The Convention concluded and signed at St. Petersburg, on the 12th day of July last, under the mediation of His Imperial Majesty the Emperor of all the Russias, having been ratified by the three powers, parties thereto, and the ratifications of the same having been duly exchanged, copies of it are now communicated to Congress, to the end that the measures for carrying it, on the part of the United States, into execution, may obtain the co-operation of the Legislature, necessary to the accomplishment of some of its provisions. A translation is subjoined of three explanatory documents, in the French language, referred to in the fourth article of the Convention, and annexed to it. The agreement executed at the exchange of the ratifications, is likewise communicated.*

JAMES MONROE.

WASHINGTON, 16th January, 1823.

* THE FOLLOWING IS THE AWARD.

In the name of the most holy and indivisible Trinity:
The President of the United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, having agreed, in pursuance of the fifth article of the Convention concluded at London on the 30th day of October, 1818, to refer the differences which had arisen between the two Governments, upon the true construction and meaning of the first article of the Treaty of Peace and Amity, concluded at Ghent on the 24th day of December, 1814, to the friendly arbitration of His Majesty the Emperor of all the Russias, mutually agreeing to consider his decision as final and conclusive; and his said Imperial Majesty having, after due consideration, given his decision upon these differences in the following terms, to wit:
"That the United States of America are entitled to claim from Great Britain a just indemnification for all private property, which the British forces may have carried away; and as the question relates to slaves more especially, for all the slaves that the British forces may have carried away from places and territories of which the Treaty stipulates the restitution, in quitting these same places and territories."

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transferred from the above-mentioned territories to British vessels within the waters of the said territories, and who for this reason may not have been restored."

"But that, if there should be any American slaves who were carried away from territories of which the first article of the Treaty of Ghent has not stipulated the restitution to the United States, the United States are not entitled to claim an indemnification for the said slaves."

A similar provision for the restoration of deported slaves in the Treaty of Peace of 1783, remained unexecuted, in despite of all the reclamations of the Continental Congress, and of the most earnest appeals of the Washington Administration, and was finally given up in Jay's treaty, to the immense loss of the Southern States, and the absolute ruin of many families who remained bound to pay the debts contracted with British merchants before the Revolution, while the means of paying those debts were taken from them by the creditor nation. Happily, at the end of the war of 1812, when the same question arose again between the United States and Great Britain, threatening to involve their peace, there was a REPRESENTATIVE OF PEACE on one of the greatest thrones of Europe—the EMPEROR ALEXANDER—who offered his peaceful mediation, and, by a just decision, put an end to an angry question, which, with other angry questions then coming to a head, (North-eastern boundary, North western boundary, Oregon, Canadian difficulties, and border sympathy for the disaffected, and liberation of American slaves carried by mutiny or stress of weather, into British West India islands while on coasting voyages between the ports of their own country, and almost in sight of its shores,) might have led to war.

MONDAY, JANUARY 20.

Christian Indians in Ohio.

Mr. LOWRIE presented the memorial of Lewis Dal Schweinctz, agent for the Society of the United Brethren, praying to be divested of a certain trust estate, for the benefit of Christian Indians, on being compensated for the improvements made thereon. The memorial was read, and referred to the Committee on Public Lands.

On motion of Mr. LOWRIE, the Message from the President of the United States of the 10th of December last, in relation to that subject, was referred to the same committee, to consider and report thereon.

Road from New Orleans to Nashville.

The Senate took up a resolution offered by Mr. JOHNSON, of Louisiana, on Friday last, as follows:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of repairing the mail road from New Orleans to Nashville, and of establishing ferries at the water-courses on the route, or of making bridges over them, so as to facilitate the conveyance of the mails to and from New Orleans; and, also, to inquire into the expediency of repairing the national road commencing at Madisonville, in the State of Louisiana, and terminating at Florence, on the Tennessee River, and into the propriety of providing for the conveyance of the mail on the said route, in covered carriages.

Mr. JOHNSON, of Louisiana, said he had at the last session introduced these propositions, but they were not finally acted on for the want of time; that, as the inconveniences complained of still existed, he deemed it his duty again to call up the subjects, and to present them in a shape to be acted on. It would be perceived, from the present mode of conveying the mails from the city of New Orleans to this place, on horseback, through a wilderness of several hundred miles, between New Orleans and Nashville, over water-courses destitute of bridges or ferries, that they were constantly exposed to delays; and it is a fact, he said, that, in consequence, the mails were often damaged, and, in some instances, entirely lost. In short, the failure of the mails, on the route alluded to, were so frequent as to render the mail establishment, to the State of Louisiana, almost useless.

Mr. J. said that, in providing for the accomplishment of the object suggested, the great constitutional question, which had excited so much interest as to the power of the National Government to appropriate the public money for the purpose of internal improvement, is not involved. That a considerable portion of the country, through which both these roads pass, belongs to the United States, and other portions of it are claimed by Indian tribes; consequently, the General Government can exercise exclusive jurisdiction over these subjects. It appears, by the acts of Congress, he said, that a number of roads were constructed by the United States,

and under different administrations, some of which are in the original States, and that the money expended in constructing them was paid out of the Treasury of the United States. There could be no doubt, therefore, as to the power of Congress to make the appropriations required in this instance, and to adopt such other steps as may be necessary to accomplish the objects he had in view.

Mr. J. said, with respect to the great national road alluded to, he had, at the last session, explained its bad condition, and suggested the propriety of repairing it. The troops of the United States had been employed for a considerable length of time, under the immediate command and direction of General Jackson, in opening this road, and immense labor had been bestowed on it. He thought it not less important to the Western country than the Cumberland road; in a military point of view, it was calculated to be much more important; and, as a mail route, it would be of great utility. The distance from New Orleans to Nashville by this road, is said to be about three hundred miles less than by the route now used for the conveyance of the mails. But it is now unfit for any purpose whatever, and is not used. Is it not the duty of the Government, he asked, after having accomplished this great work, so important, in many respects, to the whole Western country, to adopt such steps as may be necessary to keep it in repair? It could be done at a small expense. In addition, however, to this expense, it was necessary, he thought, to obtain grants for small tracts of land at some of the water-courses on the route, for the purpose of establishing ferries thereon.

Mr. J. concluded, by remarking that the revenue accruing to the United States from the post office at New Orleans is considerable, and that the people of Louisiana had a right to expect that the same advantages as are enjoyed by the other States, in regard to the mail establishment, will be extended to them. The road should be immediately repaired, the necessary bridges and ferries established, and the mails carried in covered carriages.

TUESDAY, January 21.

Sale of Lead Mines and Salt Springs.

Mr. BENTON, from the Committee on Public Lands, to which the subject was referred, reported a bill to authorize the President of the United States to cause the lead mine and salt spring lands belonging to the United States, to be exposed to public sale; and the bill was twice read, by unanimous consent.

THURSDAY, January 23.

Carver's Grant—Grant from Indians to Captain Jonathan Carver, before the Revolution, of a large Territory on the Upper Mississippi.

Mr. VAN DYKE, from the Committee on Pub-

JANUARY, 1828.]

Louisiana Lands.

[SENATE.]

lic Lands, made the following report, which was read, and ordered to be printed :

The Committee on Public Lands, to whom was referred the petition of Samuel Harrison, agent for the heirs of Captain Jonathan Carver, praying for the recognition and confirmation of an Indian deed for a large tract of land near St. Anthony's Falls, on the Mississippi; and also the petition of the Rev. Samuel Peters, LL.D., who claims said tract of land as assignee of the heirs of said Captain Carver, and prays that he may be permitted to take possession of the same, report :

The petitioners state that Captain Jonathan Carver, in the year 1766, took a long tour among the Indian tribes, two hundred miles west of the Falls of St. Anthony, on the Mississippi, and made important discoveries during his travels and residence of two years and five months with various Indian tribes, which he caused to be printed and published in London in 1773.

That, by his conciliatory manners, he gained the good will of the Indian tribes, and became the peacemaker between two large nations who were at war; and, to reward him for his wisdom and friendly interposition, the Sachems of the Naudowissies were pleased to grant, and accordingly gave to him and his heirs a deed for a tract of land, therein specially described, dated at the Great Cave, May the 1st, 1767. That the chiefs of said tribe made him a chief of their tribe on the same day, and he then engaged to return and settle in said territory with his family and connections. (An alleged copy of said deed is inserted in the first-mentioned petition.) That Captain Jonathan Carver afterwards returned to Boston, and sailed for London, where he arrived in the year 1769, and soon after laid his deed before the British Government, praying for the confirmation of it, and received for answer, that it should be confirmed as soon as the history of his travels was printed and published. But, in consequence of the misunderstanding which existed between Great Britain and America, the ratification of the deed was suspended. That Captain J. Carver died in London, January the 31st, 1780, leaving a numerous progeny; and, by the establishment of the independence of America, the right to ratify Indian grants devolved upon the Government of the United States.

The Rev. Samuel Peters in his petition further states that *Lefei*, the present Emperor of the *Sioux* and *Naudowissies*, and *Redwing*, a Sachem, the heirs and successors of the two grand chiefs who signed the said deed to Captain Carver, have given satisfactory and positive proof that they allowed their ancestors' deed to be genuine, good, and valid, and that Captain Carver's heirs and assigns are the owners of said territory, and may occupy it free of all molestation.

The committee have examined and considered the claim thus exhibited by the petitioners, and remark, that the original deed is not produced, nor any competent legal evidence offered of its execution; nor is there any proof that the persons who it is alleged made the deed were the chiefs of said tribe, nor that (if chiefs) they had authority to grant and give away the land belonging to their tribe. The paper annexed to the petition as a copy of said deed has no subscribing witnesses, and it would seem impossible, at this remote period, to ascertain the important fact that the persons who signed the deed

comprehended and understood the meaning and effect of their acts.

The want of proof as to these facts would interpose in the way of the claimants insuperable difficulties. But, in the opinion of the committee, the claim is not such as the United States are under any obligation to allow, even if the deed were proved in legal form. The British Government, before the time when the alleged deed bears date, had deemed it prudent and necessary, for the preservation of peace with the Indian tribes under their sovereignty, protection, and dominion, to prevent British subjects from purchasing lands from the Indians; and this rule of policy was made known and enforced by the proclamation of the King of Great Britain of the 7th October, 1763, which contains an express prohibition. Captain Carver, aware of the law, and knowing that such a contract could not vest the legal title in him, applied to the British Government to ratify and confirm the Indian grant; and though it was competent for that Government then to confirm the grant, and vest the title of said land in him, yet, from some cause, that Government did not think proper to do so. The territory has since become the property of the United States; and an Indian grant not good against the British Government would appear to be not binding upon the United States' Government. What benefit the British Government derived from the services of Captain Carver, by his travels and residence among the Indians, that Government alone could determine, and alone could judge what remuneration those services deserved. One fact appears from the declaration of Mr. Peters in his statement in writing among the papers exhibited, namely, that the British Government did give Captain Carver the sum of one thousand three hundred and seventy-five pounds six shillings and eight pence sterling, &c. To the United States, however, Captain Carver rendered no service which could be assumed as an equitable ground for the support of the petitioners' claim.

The committee being of opinion that the United States are not bound in law or equity to confirm the said alleged Indian grant, recommend the adoption of the following resolution :

Resolved, That the prayer of the petitioners ought not to be granted.

WEDNESDAY, January 29.

The PRESIDENT laid before the Senate a letter from Mr. CÆSAR A. RODNEY, a member of the Senate from the State of Delaware, resigning his seat in the Senate, in consequence of his acceptance of the office of Minister Plenipotentiary to the Government of Buenos Ayres; which letter being read, it was, on motion of Mr. VAN DYKE, ordered that the President of the Senate transmit to the Executive of the State of Delaware information of the resignation of Mr. RODNEY.

THURSDAY, January 30.

Louisiana Lands.

The Senate next took up the following resolution, submitted by Mr. JOHNSON, of Louisiana, on Monday last :

Resolved, That the Committee on the Public Lands

SENATE.]

British Colonial Trade.

[FEBRUARY, 1823.]

be instructed to inquire into the expediency of causing the public lands and private claims in the State of Louisiana, to be immediately surveyed; and also to inquire into the propriety of granting patents for all claims to lands in the said State, which have been confirmed by the Government of the United States.

Mr. J. said that the treaty transferring to the United States the province of Louisiana, not only secures to the people of the ceded territory the enjoyment of their rights and property, but it imposes upon the Government of the United States the obligation to provide for the speedy adjustment of their land claims, and to encourage emigration to the country, by bringing the public lands into the market. He could not perceive the wisdom or justice of that policy which had induced the Government to cause the public lands in Alabama, Mississippi, and elsewhere, to be surveyed and sold, in preference to those in Louisiana. The territory which now composes the State of Alabama, and which, he said, was a wilderness a few years ago, had been surveyed and sold, and at this time contains a white population perhaps equal to that of Louisiana. And the public lands in Mississippi, Indiana, and Illinois, had been surveyed and offered for sale. He said, independently of the obligations imposed by the treaty, from the local situation of Louisiana, being a frontier, and being in many respects the most important section of the Union, and being more exposed than either of the other States, to external invasion and to internal commotion, it was certainly much more important to strengthen and to defend the country by a dense white population. The necessity of such a population was sensibly felt during the late war. Had the waste lands in Louisiana been settled at the time of the invasion of the country by the British troops, they would have contained a force nearly adequate to the defence of the State; and most of the militia employed from the upper country might have been dispensed with, and the great expense thereby incurred saved to the nation, and many of those who perished by the effects of the climate would have been preserved. He was sorry to say that, although the United States have had possession of Louisiana about seventeen years, neither the public lands nor private claims were yet surveyed, nor were all the claims even adjusted. There are many large claims in the country, conflicting with small ones, which had been suspended, and are not yet decided on. These are subjects of deep interest to the people of Louisiana, and they have a right to complain of the delays alluded to. Indeed, the policy which had been pursued in relation to this subject was pregnant with serious evils. The people were not only kept in suspense and uncertainty, in regard to their claims, but the influx of American population had been checked; agriculture had been discouraged, and the development of the resources of the State retarded. The people of Louisiana, he said, were deprived of the benefits of a very important act

of Congress, which passed two years ago, granting them the right of pre-emption to their back possessions, for the want of surveyors to execute the surveys required by the act.

Mr. J. said, if the surveying in Louisiana has not progressed for the want of an adequate compensation to the surveyors, their fees should be augmented; but, if the delay in completing the work is owing to the neglect or incompetency of the surveyors employed, they should be dismissed and others appointed; or, if it is to be ascribed, as is suggested by some, to the want of funds to defray the expenses, the necessary appropriations to effect the object should be made. He said, at every session since he had taken his seat in the Senate, he had urged the importance of these subjects upon the consideration of the Government. Still no effectual step had been adopted calculated to bring the business to a close. He was not in the habit of complaining, but were he not to express freely the sentiments he entertained in relation to these subjects, so interesting to the State he had the honor in part to represent, he would be unmindful of the duty he owed his constituents.

Mr. J. remarked, in conclusion, that patents had not been granted by the Government for any claims in Louisiana; that the people are anxious to obtain that evidence of their titles which renders them secure; and, in his opinion, patents should have been issued as their claims were confirmed. He had assurances from the Commissioner of the General Land Office, that the subject should now be attended to; but, if further legislative provision is required in relation to the subject, existing laws should be amended without delay.

Mr. KING, of Alabama, acquiesced in the propriety of the inquiry, but added a remark on the inapplicability of what Mr. J. had said in relation to the surveys in Alabama.

The resolution was then agreed to.

FRIDAY, February 7.

British Colonial Trade.

The Senate took up for consideration the bill to regulate the commercial intercourse between the United States and certain British colonial ports.

[This bill suspends our restrictive acts of 1818 and 1820, and embraces a number of provisions growing out of the repeal of the late restrictive laws of Great Britain, in regard to foreign intercourse and trade with her American possessions.]

Mr. BARBOUT (chairman of the Committee of Foreign Relations) presented to the Senate, in a speech of considerable length, a number of details and facts connected with the subject of this bill; he took a historical view of the trade and intercourse of this country, while in its colonial state, with the mother country; traced the subject down, through all the embarrassments and difficulties which have subsequently occurred

FEBRUARY, 1823.]

New England Mississippi Land Company.

[SENATE.]

in our commercial intercourse with Great Britain and her colonies; the treaties formed on the subject; the causes and necessity of our late restrictions, forced on us by the close, selfish, and unreciprocal policy of Great Britain, from which she has at length receded, after finding that the counteracting measures adopted by the United States were firmly and tenaciously adhered to. Mr. B. also took this occasion to justify the agency which he had, as an auxiliary only, and not a principal, in producing and maintaining the retaliatory restrictive system of this country; this he did because the system had borne hard on the interest of some parts of the country, and it had been imputed to him as a fault that he had aided in adopting and adhering to this policy. He urged the success of the system in vindication of its wisdom, and dwelt some time on the beneficial effect (referring to the unanimity with which that system was adopted and adhered to by Congress) of united counsels in all questions between foreign nations and ourselves. When Mr. B. concluded, the bill was laid over to Monday.

MONDAY, February 10.

Revolutionary Pensions.

Mr. NOBLE, from the Committee on Pensions, communicated the following letter from the Secretary of War, which was read, and ordered to be printed:

WAR DEPARTMENT, Feb. 8, 1823.

SIR: I have the honor to inform you, in reply to your letter of the 6th instant, that, until the month of August, 1818, no particular account was kept of the number of applications for pensions, under the act of the 18th March, 1818. Since that time, however, a register of the claimants has been kept, from which it would appear, that 27,948 have applied for the benefits of that act, and since the passage of the act of May 1st, 1820, 2,039 have applied under both laws—18,880 claims have been admitted in all; 2,328 of which have been rejected, or dropt from the roll, under the act of the 1st of May, 1820. On the 4th of September last 12,381 were then on the pension list. The remaining 4,221 are either dead, or, from causes unknown to this Department, have failed to exhibit schedules of property. In 1818, the sum of \$104,900 85, was paid to pensioners, under the act of that year; in 1819, \$1,811,328 96; in 1820, the sum paid was only \$1,873,849 41, the list of pensioners having been reduced by the operation of the act of the 1st May, 1820; in 1821, the sum of \$1,200,000 was paid; and in the year 1822, the sum of \$1,838,986 30.

The apparent excess of expenditure in 1822, arises from the circumstance that, in the preceding year, a deficiency was occasioned by a greater number having applied for pensions that year than was anticipated when the estimates were made: \$451,836 of the expenditure of the last year was due the pensioners in the preceding year.

I would respectfully suggest to the committee, of which you are chairman, the propriety of limiting the commencement of the Revolutionary pensions, in all cases, to the time of completing the testimony, not

only in original claims, but where persons have been continued on, or restored to the pension roll. At present, the latter class receive their pay from the 4th March, 1820; and the prospect of receiving the amount of three years' stipend, at one time, opens a door to attempts at fraud, and is no small inducement for many to dispose of their property with a view of receiving pensions.

I have the honor to be, &c.,

J. C. CALHOUN.

Hon. JAMES NOBLE,

Chairman Com. Pensions.

TUESDAY, February 11.

New England Mississippi Land Company.

Mr. VAN BUREN, from the Committee on the Judiciary, to which was referred a petition of the Massachusetts Directors of the Association called the New England Mississippi Land Company, made a detailed report thereon, adverse to the prayer of the petition; which was read, and ordered to be printed.

The report is as follows:

That, by an act of Congress, dated March 31, 1814, entitled "An act providing for the indemnification of certain claimants of public land in the Mississippi Territory," it is enacted, that every person or persons claiming said land, who have exhibited their claim to the Secretary of State, "shall be allowed until the first Monday in January next, to deposit, in the office of the Secretary of State of the United States, a sufficient legal release of all such claim or claims, to the United States, and an assignment and transfer to the United States, of their right and claim to any sum of money," paid into the Treasury of the State of Georgia, as a consideration for the purchase of the land released, with a power to recover the same; "such release, assignment, transfer, and power, to take effect, on indemnification of such claimants being made, conformably to the provisions of this act."

And the Secretary of State, Secretary of the Treasury, and the Attorney-General of the United States, for the time being, were thereby constituted and appointed a Board of Commissioners, "and fully authorized and required to adjudge and determine upon the sufficiency of the release, and assignments, and powers, to be executed and deposited in the office of the Secretary of State; and also to adjudge, and finally to determine upon, all controversies arising from such claims so released as aforesaid, which may be found to conflict with, and be adverse to, each other; and, also, to adjudge and determine upon all such claims, under the aforesaid act, or pretended act, of the State of Georgia, as may be found to have accrued to the United States by operation of law."

By the act aforesaid, the President was authorized and required to cause to be issued, from the Treasury of the United States, to such claimants, respectively, certificates of stock, payable out of moneys arising from the sale of said public lands; and among other companies, to the person claiming in the name, or under the Georgia Mississippi Company, under the like terms and restrictions, a sum not exceeding, in the whole, one million five hundred and fifty thousand dollars:

"Provided, That any person having claims under either of said companies, and entitled to indemnity by

[SENATE.]

New England Mississippi Land Company.

[FEBRUARY, 1823.]

virtue of this act, shall receive such indemnity only in proportion to the amount of such claim."

By an act of Congress, supplementary to the above, dated 23d January, 1815, the President was authorized, by and with the advice of the Senate, to appoint three fit and disinterested persons to be and act as commissioners, by virtue of said first-mentioned act, in the place of the public officers therein mentioned. The said persons were constituted and appointed a Board of Commissioners; which board was "declared to be intended to effect the same purposes and services as the said original board," and was thereby "authorized to execute all the powers granted to, and directed to perform all the duties enjoined upon, the said original Board of Commissioners, according to the intent and provisions of the act aforesaid."

In pursuance of the said last-mentioned act, Thomas Swan, Francis S. Key, and John Law, of the District of Columbia, were duly appointed commissioners to perform said service; and from the decree herewith exhibited, and from the case of Brown against Gilman, decided in the Supreme Court of the United States, and reported in 4th volume of Wheaton's Reports, it doth appear, that the Georgia Mississippi Company, mentioned in said act, sold and conveyed to certain persons in New England, all the land which they had acquired by said act, or pretended act, of the State of Georgia, estimated to contain eleven millions three hundred and eighty thousand acres, at and after the rate of ten cents per acre; two cents of which were paid in money, and the residue by notes of the respective purchasers, payable in successive years, with approved endorsers. The deed of conveyance, in due form of law, was made to the purchasers, and being placed in "escrow" for a short time, on payment of the money, and reception of notes, with endorsers satisfactory to the vendors, said deed was duly delivered to the purchasers, who formed the association above mentioned, and conveyed their respective shares in said land to the trustees of said New England Mississippi Land Company, who were authorized to issue negotiable certificates, or scrips, so called, declaring the possessor thereof to be entitled to the proceeds of the quantity of land therein mentioned. The said trustees of the New England Mississippi Land Company, and directors thereof, petitioners as aforesaid, in pursuance of said act of indemnification, made proper releases and assignments of all right and claim to said land, and money in the treasury of Georgia, to the United States, and deposited the same in the office of the Secretary of State, as required by said act, and presented a claim for indemnification for the whole of said land, amounting, by said act, to one million five hundred and fifty thousand dollars.

The Georgia Mississippi Company, above named, presented a claim to said commissioners for indemnifications to the amount of 957,600 acres, part of said land sold by them as aforesaid, equal to one hundred and thirty thousand four hundred and twenty-five dollars and twelve cents, (say \$130,425 12,) in consequence of certain unpaid notes they possessed, given in part for the purchase of said land, amounting to ninety-five thousand seven hundred and sixty dollars, (say \$95,760;) which claim of said Georgia Mississippi Company, was opposed by said New England Company, none of which members were indebted on said notes; the sale of said land by the said original purchasers or parties to said notes having been made soon after they acquired the title as above, their as-

signees being members of the company. The said commissioners, however, adjudged and decreed that the said Georgia Mississippi Land Company, as vendors of said land, (although no mortgage or special security was made or reserved thereon,) had a just right or lien upon said quantity of land, for which said unpaid notes were given; and the said commissioners accordingly did adjudge and assign, out of the said sum of \$1,550,000, the sum of one hundred and thirty thousand four hundred and twenty-five dollars and twelve cents, (say \$130,425 12,) to the said Georgia Mississippi Land Company; the largest portion of which, about *three-fourths*, as appears by the said decree of said commissioners, was adjudged to belong to the United States, who claimed under the said Georgia Mississippi Land Company, in virtue of shares therein surrendered to the State of Georgia, and by the act aforesaid reserved to the United States. And the United States, as appears by said decree, now retain from said original sum, as representing shares of said Georgia Mississippi Land Company, a larger sum than the said one hundred and thirty thousand four hundred and twenty-five dollars twelve cents, (say \$130,425 12,) taken by said commissioners from the said New England Mississippi Land Company as aforesaid. It also appears by the report of said commissioners, herewith, that the said commissioners received as claims on said fund the certificates or scrip of divers persons, issued by the trustees of said New England Mississippi Land Company, to the amount of one-fourth part of the stock of said company, or thereabouts. Said directors urged to said commissioners that persons who held their certificates, and were thereby members of the company, ought to resort to the trustees or treasurer for their share or dividend, after the indemnification had been received by the treasurer; but the board considered that such certificate holder might well apply to them for payment or satisfaction of their scrip in said company, deducting the reasonable proportion of the expenses of the company. They also decreed that persons holding the scrip or certificates of said company, which were derived originally from the sales made by parties to said unpaid notes, had no claim whatever on said fund; and in a distribution thereof, assigned to such certificate holders whose claims they allowed as above, their proportion of the company's funds, unencumbered, by certificates derived originally from the parties to said notes as aforesaid.

It further appears, from the said case of Brown and Gilman being a suit brought against said directors by the holder of one of said certificates which had issued from the title of the parties to said unpaid notes aforesaid, that the commissioners erred in pronouncing that there was any lien upon said land, in consequence of said unpaid notes; and the said directors were adjudged liable to pay the same certificates, which the commissioners had declared were not obligatory; and thus the said directors, the petitioners, who, by the proceedings of said commissioners, received only about three-fourths of the stock of the company, were held liable to pay, in the first instance, the whole sum of one hundred and thirty thousand four hundred and twenty-five dollars twelve cents, (say \$130,425 12.)

It also appears that the commissioners were not informed of the laws of Georgia, which, similar to those of Massachusetts, do not allow any lien to the vendor of land without mortgage or special security;

FEBRUARY, 1823.]

Lead Mines and Salt Springs.

[SENATE.]

and the surviving commissioners (Messrs. Swann and Key) are fully satisfied that the said award was erroneous.

On the above facts, the petitioners have prayed that the aforesaid sum, erroneously withheld from them by said commissioners, may be granted to them; and, if not, that they may be reinvested in their title to said nine hundred and fifty-seven thousand six hundred acres (say 957,600 acres) of land, for which they have received no indemnification, by an act declaring that the said release executed by them to the United States, shall be inoperative as respects said quantity of land; and that the deeds and evidence of title, which in virtue of said act have been deposited by said commissioners in said office of the Secretary of State, may be restored to them, or attested copies granted, allowing the same to have the force of originals in courts of the United States.

The committee are satisfied that the whole of the said sum of \$1,550,000 ought in strictness to have been awarded to said directors of the New England Mississippi Land Company by said commissioners; but they apprehend that the above prayer of the petitioners ought not to be granted, for the following reasons, viz:

The prayer of the petitioners, if granted, must be satisfied out of the moneys awarded by the commissioners to the Georgia Mississippi Land Company, and to the United States, as assignees of such of the Georgia Mississippi Land Company as had surrendered under the act of Georgia.

The reference to the commissioners was, as has already been stated, "to adjudge, and finally determine upon, all controversies arising from such claims, so released as aforesaid, which may be found to conflict with, and to be adverse to, each other; and, also, to adjudge, and determine upon, all such claims, under the aforesaid act, or pretended act, as may be found to have accrued to the United States by operation of law." The contemplated compensation, which was to extinguish a disputed claim, was made by the United States for the sake of peace; the submission was voluntarily entered into by the parties, with full knowledge of the powers of the commissioners, the circumstances of their selection, the conclusiveness of their award, and their liability to err. If the mistake had been in favor of those who claim the fund, those who hold it would have been without redress. All that the United States were responsible for, was an honest discharge of their duties by the commissioners. That such has been the case, is not controverted; and that being admitted, the committee are of opinion that the petitioners have no reason to complain, if the award is suffered to remain as binding upon them, as it necessarily was upon their adversaries.

Secondly. Independently of these considerations, the trustees of the New England Mississippi Land Company are not, in the opinion of the committee, entitled to the relief they ask. They have lost their legal rights by the error of the commissioners, under the circumstances which have been stated; and their application now is to the equity of the Government, which can only be to relieve them from injustice. What is their equity? They ask money for lands for which they have never paid. They ask it at the expense of those who have. If, through the providence of those from whom they purchased, they, before the submission and award, could, on strict legal principles, entitle themselves to what they now ask,

it was their good fortune; but, having lost that legal advantage without fraud, they are without cause of complaint that it is not restored to them; for they have lost nothing to which they were in conscience entitled.

Thirdly. If the loss had fallen on those of the New England Mississippi Land Company who had not paid, or their immediate assignees, it is conceded that this application would be without merit. That it has fallen on others, is on account of the terms of the original Association, and the manner of transacting their business, authorized by the trustees and those they represent; and can furnish no ground of claim against those who had no agency in that matter, and who are, at least, equally innocent.

Fourthly. If the grounds relied on by the committee for refusing the direct relief prayed for, are well grounded, they are equally valid against the prayer for the surrender of the release.

FRIDAY, February 14.

Northwest Coast of America, and Occupation of the Columbia.

Mr. BENTON submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation to enable the President of the United States to take and retain possession of the territories of the United States, on the Northwest coast of America.

Lead Mines and Salt Springs.

On motion of Mr. BENTON, the Senate proceeded to the consideration of the bill to repeal the several acts reserving from public sale the lead mines and salt springs belonging to the United States, and to authorize the President of the United States to cause the lead mines and the salt springs, and the lands contiguous thereto, to be exposed to public sale.

Mr. BENTON rose, and in support of the bill delivered himself to the following effect:

The Senate is now to deliberate upon a subject of great national importance. The mines and salines of Upper Louisiana still belong to the nation. They are great in extent and rich in value. They are found scattered in detached districts over a line of six hundred miles; from the left bank of the Arkansas to the neighborhood of the Falls of St. Anthony. The State of Missouri, in the centre of this line, is their chief seat. Salines are found in every part of the State, but chiefly in the part known under the name of the "Boon's Lick country." Here the salt water runs off from the surface of the earth in a thousand streams. Large creeks, on which mills are built, are sensibly impregnated with it; and over an extent of four or five counties, on both sides of the Missouri, in a country of unrivalled fertility, scarcely a mile square could be found in which saline indications are not visible to the daily passenger.

The lead district is located in a different part of the State, on the waters of the Merrimac, Gasconade, and St. Francis, and what was for-

merly the county of St. Genevieve, now divided into several counties, of which Washington is the centre, and the chief seat of the mines.

The great indications of mineral wealth in this district attracted the attention of enterprising men more than a century ago. The celebrated "Mississippi Scheme" was bottomed upon the mines of Upper Louisiana; but the precious, not the valuable metals, were the object of pursuit to the projectors of that scheme. It was the middle of the last century before the lead mines were worked, and the experience of seventy years has since shown that a large district of country abounds with this mineral, the ore exceedingly rich, yielding eighty-two per cent., and the metals so much finer than the English as to command a cent more on the pound in the white and red lead factories. In 1803 the province of Louisiana was ceded to the United States, and the fame of her mineral wealth prodigiously enhanced, in public estimation, the value of the acquisition. Congress proceeded upon the idea that these mines were too valuable to be owned by individuals; that they ought to be reserved as national property; and a system of reservation and Government monopoly was adopted and has been persevered in ever since.

The surveyors of the public lands were instructed to note on their maps all indications of mines and salines; portions of contiguous land were directed to be reserved convenient to each; the officers of the land department were forbid to sell them; the boards of commissioners for confirming Spanish titles were interdicted from deciding a claim which covered lead or salt; and, to complete this system of monopoly, an odious law of retroactive operation was passed, to vacate the sales of land made by the Government itself, in the event of afterwards finding lead or salt upon it, and fixing on the purchasers, by the aid of some inquisitorial process, the successful charge of previous knowledge and fraudulent concealment.

The National Government, by these acts, having concentrated in its own hands the possession of the mines and salines, undertook, in the year 1807, to reap the fruit of its able policy. For this purpose, the luminous idea was adopted of converting itself into a national landlord, the miners into national tenants, and deriving a national revenue from salt water boilers and lead-ore diggers. This system was adopted in 1807. Fifteen years have since elapsed, and certainly fifteen years of annual experience is sufficient to test the vice or the virtue of all money-making schemes. What then has been the fruit of this monopolizing and leasing system? Have any leases been taken? Yes, many. Has any lead been dug? Yes, many millions of pounds weight. Have any rents been paid? No, not a dollar—not one cent. But, perhaps it may be thought that valuable improvements have been made, the benefit of which will inure to the Republic, and compensate it for the loss of rents. I answer, none. No improvement can be made at salines, except by sinking wells or boring

holes some hundred feet to the strata of salt or streams of strong water which lie below, neither of which has been done at a public saline. No improvement can be made at a mine, except by sinking shafts, opening galleries, providing ventilators and hydraulic engines, and constructing permanent furnaces; not one of which things has been done at a public mine, or ever will be done by a tenant or lessee for years. The spirit of tenantry is everywhere the same; it is a spirit adverse to improvement, always leaning towards the injury of the property in possession, and always holding back from the payment of rent. This spirit has had its full range in the mineral lands of the United States, where no improvement has been made, no rent paid, and great injury done in the destruction of timber, and in ravaging the ground in search of minerals. Not only no improvement has been made, but not even a mine discovered even twenty feet below the surface of the ground. Of the fifty or sixty public mines enumerated in the report from the War Department, not one was known as a mine at this time. They were nothing but superficial diggings, exhausted and abandoned in a few weeks or months after the first discovery. The veins and masses of ore which approach the surface have alone been touched. Miners call this "picking at the eyes of the mine," while the body of it lies at the distance of some hundred, or some thousand, feet below. In fine, the fruit of this whole system has been injury to the national property, loss to the national treasury, and a recourse to foreign powers to supply us with the articles of which God in his providence has given to us more than he has given to them.

Mr. B. appealed to the Senate to say whether it was not time to change this system. His own mind was made up, and had been during the seven years that he had lived in Missouri, and witnessed the evils which he had faintly sketched. He was against the leasing system. He knew that it might be improved, but with all the improvements that could be ingrafted upon it, he held it to be wrong in its first principles, and fraught with evil in all the ramifications of its practice. To continue it will be to perpetuate the relation of landlord and tenant throughout the vast extent of the mineral districts of the Republic; that landlord being the Federal Government, and holding its domains and body of tenantry within the limits of a sovereign State. I deny such a power to the Federal Government. I take my stand upon the words of the constitution upon the left hand of the venerable Senator from Virginia, (Mr. TAYLOR,) and deny to the Federal Government a power to hold lands in any State, except upon grants made, in cases enumerated, and for purposes specified, in the constitution. I speak of permanent ownership, not of the transient trustee-possession, which is necessary to a fair distribution of the property, and which is recognized in the compacts with the new States by an agreement not to tax the public land "before it is sold, and for five years thereafter." I deny to the Federal Government the

FEBRUARY, 1833.]

Lead Mines and Salt Springs.

[SENATE.]

capacity to hold a body of tenantry within the limits of any State. The monarchies of Europe have their serfs and vassals, but the genius of the Republic disclaims the tenure and the spirit of vassalage, and calls for freemen, owners of the soil, masters of their own castles, and free from the influence of a foreign sovereign.

But if a doubt can be entertained of the right of the Federal Government to hold lands and tenants in the bosoms of the States, none can exist as to the evils of such a practice. Even if confined to minerals and salines, the mischief must be great. In the first place, large districts of country must be locked up from the people, fenced in with prohibitory laws, and protected from waste like the forest lands in Europe. The soil and timber on the reserved tracts must be placed under the guardianship of penal statutes; Federal officers must be appointed to stand over the miners and watch their hands, and search their pockets, and detect all attempts to carry off the ores before "the lord has received his tithe." Other laws must be made to compel the payment of rent; the odious remedy by "distress" must be introduced, and this splendid Federal Government, created by our fathers for great national purposes, must be seen descending from its high estate, and going down to the level of a petty landlord impounding the cattle of his miserable tenant, to force out of his hands the arrearages of his rent. But what is the effect to the States in which these things shall be done? Population retarded, the improvement of the country delayed, large bodies of land held free of taxation, and their elections more or less influenced by the presence of men holding their leases at the will of the Federal Government. All this is bad enough, but the worst is yet to be named. The foundation of the whole is monopoly, odious in itself, and aggravated in this instance from the nature of the articles monopolized. God placed lead and salt in Missouri for the use of the people who go there to live; he gave them a surplus of both to sell to their neighbors; but, by the intervention of a foreign Government, the people are denied the benefit of the use and the profits of supplying their neighbors.

But it is not only lead and salt which will be monopolized under the continuance of this system, but a great variety of other minerals and fossils, and large tracts of farming land to supply them with wood. The base metals have an affinity to each other, and are generally found in company. The lead districts in the Mendip Hills and Derbyshire, in England, abound with zinc, iron, coal, mineral waters, plumbago, every one of which, and many others, are found in the mineral districts of Missouri.* All these must be lost to the inhabitants if the leasing system is

perpetuated. And what is the advantage proposed to the Federal Government in return for so many evils? Revenue! money for the Treasury is the object proposed. But who can entertain a serious idea of drawing any thing worth a nation's notice, from such a source? We have already had fifteen years' experience, and shall we wait for fifteen more? Shall the experience of other nations be lost upon us? Of all the money-making projects that ever entered the head of a nation, that of mining is held to be the most chimerical. So says Adam Smith. He even places national mining below lotteries, and so do I. And if compelled to choose between them, I would certainly direct our Minister of the Treasury to repair to Benjamin O. Tyler's Grand National Temple of Fortune on Pennsylvania Avenue, (especially if furnished with tickets selected by the truly fortunate dreamer of Richmond,) in preference to resting his hopes for future revenue on a second "Mississippi Scheme" among the mines of Upper Louisiana.

I trust that enough has been said to show the bad policy of leasing. Shall we then adopt the alternative proposed by the bill, and deliver up the mines and salines of the Republic to the pursuit of individual industry, to the activity of individual enterprise, to the care of individual interest, guided and sustained by the skill and capital of those who may choose to hold them? I maintain it to be our true policy to do so, and that the Government will find its indemnity in the price which will be paid for them, and in the increased wealth of its citizens, which is, in fact, the wealth of the Government itself. Besides, without a freehold in the soil, the experience of all countries proves that the riches of the mineral kingdom can never be discovered or brought into action. A lessee for years cannot incur the expenses of sinking shafts, connecting them by galleries, opening ventilators, constructing hydraulic machines, and building permanent furnaces. And without these labors, the mineral riches which lay some hundred feet in the bowels of the earth, can never be discovered. All this is now proved on the mineral lands of the United States in Missouri. Fifty or sixty mines have been opened, exhausted, and abandoned. Yes, in the space of a few months a mine is exhausted, while in England, mines are now worked which were opened two thousand years ago. The reason is obvious. The English miner, having the freehold of the soil, husbands and improves his property, and follows the vein downwards, even to the distance of two thousand feet. The American lessee can only take what he finds near the surface of the ground. He cannot pierce the rock in pursuit of the descending veins which lead to the great beds of ore below. He can only "*pick out the eyes of the mine*," without touching its body; nor is it possible to tell where nature has deposited her hidden treasures except by opening the earth to the places where they lie. Neither the eye of Science, nor the conjurors'

* Geological researches have discovered in Missouri, besides the articles above named, chalks, red and white; ochres, red, white, and yellow; fuller's earth; potter's clay; a plastic white clay, snow white; plaster of Paris; flint; manganese; granular quartz; sulphur; saltpetre; several varieties of marble, including porphyry and alabaster; precious stones, cornelian and jasper; antimony; alum.

rod, can detect a mine at any given distance below the surface of the earth. All over the world mineral wealth has been discovered either by accident, or by the persevering labor of the owner of the soil. It is needless to multiply examples to prove the assertion. Every Senator's reading will furnish him with a multitude. Two only will I mention—the discoveries of the great copper mine in Anglesea and the salt mine in Cheshire. The former, though the richest in the world, and furnishing, at this day, more copper than all the mines of Europe put together, and seated in the bosom of a country settled for several thousand years, was only discovered about fifty years ago; the latter only discovered at the beginning of the last century, though known as a saline to the Roman soldiers when Britain was a province of the Roman empire. This vast salt mine is only one hundred and twenty feet below the surface of the earth, and then commences in *strata* sixty feet thick, and yet was never discovered till the earth was penetrated by the owner of the soil. If situated in the United States on public lands, it would never be found at all, for the lessee for years could do nothing but boil the water which flowed from the saline, or was dipped out of a well a few feet deep. He could not have gone even one hundred and twenty feet deep into the earth. But change the tenure, create a fee simple in the soil, and what may not be found in a country like Missouri, where a thousand salines present themselves—where a thousand springs and branches, and even a river, (*la mine*,) turning mills, are impregnated with salt, indicating such mines and fountains of salt below, as neither England, nor any other country upon earth, can be supposed to contain. The same may be supposed of the lead districts, and may not tin and copper also be found in the mineral districts of Missouri? The theory of mineralogy authorizes the belief; for these, too, belong to the family of base metals, and are often found in company of lead.

The example of England presents itself to us. In the early ages her base metals were considered as too precious for the people, and were reserved as Crown property. Her mines were leased out; and the great tin mines of Cornwall brought the imposing sum of one hundred marks per annum, and the rest in proportion. In the reign of Philip and Mary this policy was changed. The mineral kingdom, by an act of Parliament, ceased to be a monopoly in the hands of the Crown. It was delivered up to the skill, and capital, and industry of individuals, and the result has been, that the iron, lead, copper, tin, coal, and salt, of England, have carried the wealth and power of the British empire to a height to which the mines of Peru and Mexico could never have exalted her. And let us follow her example, not the example of her dark ages, but of that enlightened period which has made, of a small island in the sea, one of the richest and most powerful empires upon the face of the globe.

When Mr. B. had concluded—

Messrs. DICKERSON, LOWELL, SMITH of Maryland, BARTON, VAN BUREN, TAYLOR of Virginia, HOLMES of Maine, BROWN of Ohio, KING of New York, and JOHNSON of Kentucky, followed Mr. BENTON, with their respective views of the expediency or in expediency of this measure, and continued the debate until past three o'clock.

In the end, the bill was, at the request of a member, laid over to Monday.

MONDAY, February 17.

Northwest Coast of America.

The Senate resumed the consideration of the motion of the 14th instant, in relation to the territories of the United States on the Northwest Coast of America, and the same having been amended by substituting the Committee on "*Foreign Relations*," was agreed to, as amended.

The remarks of Mr. BENTON were as follows:

Mr. BENTON (mover of the resolution) said it was due to the Senate to state the reasons which had induced him to offer it. This was, to prevent the country in question from falling into the hands of another power. He knew that the public mind was tranquil upon this point; but he believed that this tranquillity arose, not from an indifference to the loss of the Columbia River, and the great country drained by its waters, but from a belief that our title to it was undisputed, and the possession open to our citizens whenever the Government would permit them to enter upon it. The contrary of all this, Mr. B. held to be the fact, and he would undertake to show to the Senate—

First. That our claim of *sovereignty* is disputed by England.

Second. That England is now the party in *possession*.

Third. That she *resists* the possession of the United States.

Fourth. That the party in possession in 1823 will have the *right* of possession under the law of nations, until the question of *sovereignty* shall be decided by war or negotiation.

In supporting these positions, Mr. B. said that he would rely for his proofs upon two sources only; first, the document communicated to Congress by the President, on the 17th April, 1823; second, the London treaty of October 20th, 1818. The document would be found in vol. 8, of the State Papers, No. 112, and the treaty in vol. 6, of the Laws of the United States, page 607.

1. That the sovereignty of the Columbia River is claimed by England. Mr. B. premised, as matter of historical notoriety, that an American settlement, Astoria, existed at the mouth of the Columbia, at the commencement of the late war; that it was captured by a British sloop-of-war, in 1813, converted into a military post, and called Fort George; and that, by the first article of the Ghent treaty, a mutual restitution was stipulated of all places taken from either party by the other in the progress of the war.

FEBRUARY, 1823.]

Northwest Coast of America.

[SENATE.]

In virtue of this stipulation, the American Government, in the year 1818, determined to "reoccupy" the post on the Columbia River, and the Secretary of State, Mr. Monroe, on the 15th of July of that year, communicated that intention to the British Chargé d'Affaires at Washington, and "requested a letter" from him to facilitate the restitution. Mr. Baker refused the letter, and assigned for his reason, that he had no instructions upon the subject, from the British Government. He set up no title, on the part of Great Britain, and the Government of the United States, apprehending no opposition, despatched the sloop-of-war *Ontario* to the mouth of the Columbia to reoccupy the post. Two years afterwards, a Minister Plenipotentiary, Mr. Bagot, arrives from England, calls personally on the Secretary of State, Mr. Adams, inquires into the destination of the *Ontario*, and being informed that one object of her voyage was "to establish a settlement on the Columbia River," he complains of this intention as injurious to the "rights and interests" of His Britannic Majesty, and, on the 27th of November, two days after his personal interview, he addressed an official note to the Secretary of State, "requesting an explanation" of the views of the American Government with respect to the settlement, denying that the restitution of Astoria could be claimed under the Ghent treaty, and declaring that "the territory in question had early been taken possession of in His Majesty's name, and had since been considered as forming part of His Majesty's dominions."

What answer was given by the American Government, to this high-toned communication, is to me unknown, said Mr. B. I draw my information from the papers communicated in the document No. 112, and no answer is there to be found. Certain it is, that the *Ontario* returned from the Pacific Ocean without getting possession of the post on the Columbia.

The next paper upon this subject is from the same side of the question, to the same effect, and of still higher authority, coming from Lord Castlereagh himself, and given in person to Mr. Rush, the American Minister in London. Mr. Rush communicates it to Mr. Adams on the 14th of February, 1818. He states that "His Lordship mentioned the affair of the establishment at the Columbia River;" expressed his "regret" at the steps taken by the United States to repossess itself of the territory in question, "Great Britain having a claim of dominion over it;" and that Mr. Bagot had sent in "a remonstrance" upon the occasion, to which no answer had been made at the last dates. For settling the question of title between the two powers, Lord Castlereagh proposed that a reference should be made of it to the arbitration of some friendly sovereign, and admitted that the United States was entitled to restitution of possession under the first article of the Ghent treaty.

This despatch from Mr. Rush draws out the American Secretary. On the 20th of May fol-

lowing, Mr. Adams writes to Mr. Rush, instructing him to decline the proposed arbitration, and to express to Lord Castlereagh the unwillingness of the United States to include this subject among the objects of "serious discussion," be cause of "the minuteness of the present interests" of either party involved in it.

This, said Mr. B., is the end of the published correspondence on this point. The next place in which the British claim shows itself is in the London treaty of October, 1818.

The first article of that treaty secures to American fishermen the liberty of curing fish on the unsettled coasts of Newfoundland and Labrador.

The second determines a portion of the boundary between the United States and His Britannic Majesty's dominions in America, to wit: from the Lake of the Woods to the summit of the Rocky Mountains, and fixes it upon the parallel of the 49th degree of north latitude.

The third applies to the country drained by the Columbia River, and is in these words:

"It is agreed that any country which may be claimed by either party, on the Northwest coast of America, westward of the Stoney Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects, of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country; nor shall it be taken to affect the claims of any other power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves."

Mr. B. said that this was the last and the highest piece of evidence which he intended to submit in support of his assertion that Great Britain now claimed the sovereignty of the Columbia River. He had traced that claim from its first appearance above the horizon of diplomatic discussion to its safe lodgment in the bosom of a treaty; and surely no claim had ever grown up with such surprising rapidity. When Louisiana was purchased from Spain, in 1803, it was not heard of; when Lewis and Clarke took possession of the country, in 1806, it was not heard of; when Astoria was founded, in 1810, it was still unheard of; at Ghent, in 1814, no one mentioned it; in 1815, the British Chargé d'Affaires at Washington City, knows nothing about it. It is only in November, 1817, that a British Minister first avows it; in May, 1818, that an American Secretary considers it too "minute" to be classed among objects of "serious discussion;" and in October of the same year that it obtains foothold in a solemn treaty, there to remain the fruitful source of future negotiation and perhaps of war.

Mr. B. proceeded to his second point: That England now has the possession of the country in question.

He apprehended that a transaction in which

Mr. Prevost acted as the agent of the United States had misled the public mind on this subject. The facts are, that a British ship of war called at Lima, in the Fall of 1818, took up Mr. Prevost, carried him to Astoria (Fort George) on the 1st day of October, and brought him away on the 6th. While there, Mr. Prevost, under the authority of the American Government, signed a receipt for the delivery of Fort George, and accepted a remonstrance from the British against the delivery "until the final decision of the right of sovereignty to the country between the two Governments." The possession of the fort was not changed, nor intended to be changed by any thing that Mr. Prevost did. He could not man the fort himself, and had not a single soldier or sailor to do it for him. The ceremony of lowering the British flag, and hoisting the American, was a piece of form arranged beforehand for the purpose of satisfying the words of the Ghent Treaty by a nominal restitution, while the post itself remained with the English in the same manner as if Mr. Prevost had never made his visit. No attempt has since been made by the American Government to realize the possession, and Fort George remains to this day in the hands of the British.

The third point: That England resists the possession of the United States.

This has been already proved, in showing that the British Minister, Mr. Bagot, in 1817, "remonstrated" against the occupation of the country by the sloop-of-war *Ontario*, and in the notorious fact that the *Ontario* did not succeed in the object of her voyage. In 1818, it is shown by Mr. Prevost, that it was still the intention of the American Government to settle the country, which we all know has not been done. His words are these: "The principal object of the President, in sending me thus far, was to obtain such information of the place, its access, and its commercial importance, as might enable him to submit to the consideration of Congress, measures for the protection and extension of the establishment." The report of Mr. Prevost was most favorable on all these points, but no plan, for the purpose mentioned by him, has been submitted to Congress by the Executive; and, since that period, the present British Minister in Washington, Mr. Canning, in two several interviews with the Secretary of State, in reference to the bill depending in the House of Representatives, for the occupation of the Columbia River, "suggested that Great Britain had claims on the Northwest coast of America, with which he conceived that such occupation, on the part of the United States, would conflict; and requested to be informed what were the intentions of the Government of the United States in this respect."

This, said Mr. B., is resistance, and resistance in the most imposing form. It is direct from the Minister of England to the American Secretary of State. It is face to face; not once only, but on two distinct and separate occasions. It goes the whole length of unqualified opposi-

tion; renewing the "claim" of Great Britain, warning the Republic of a "conflict," and calling upon the Executive to declare its "intentions." What further the Minister would have said or done, if the Executive had avowed a disposition to occupy the Columbia, cannot be known, as no such avowal was made, but enough is known to prove that the Minister of England has virtually attempted to arrest the progress of a legislative act in the Congress of the United States—an attempt which, if I am not greatly mistaken in the temper of the American people, will accelerate the measure it was intended to impede.

The fourth point: That the party in possession, in the year 1823, will have the *right* of possession until the question of title is decided by war or negotiation.

This consequence, said Mr. B., results from the terms of the third article of the Treaty of London. That article has been read. The reading of it will have dissipated two errors which had obtained a wide spread in the public mind—first, that the English recognized the forty-ninth degree of latitude as the boundary between the United States and Great Britain, from the Lake of the Woods to the Pacific Ocean; and, second, that the United States granted to her the use of the Columbia River, and the trade of its inhabitants, for the period of ten years. The facts are, that the boundary is only fixed to the summit of the Rocky Mountains, and the sovereignty of each is considered as equal to all the country beyond. Neither surrenders any part of its own claim; the treaty is not to be construed to the disadvantage of the title of either; by consequence, neither is considered as having accepted a privilege from the other; but each retains possession, by virtue of his own claim to sovereignty, and each agrees to tolerate the possession of the other for ten years. It results, of course, from this stipulation, that the party in possession, at the end of the ten years, will have the right of possession till the question of title shall be decided. It requires no *Vattel* to tell us this. The principle is the same, in national and in municipal law. When the title is disputed, the party in possession of the disputed property has the right to keep it till the question of title is decided, by a court of justice, when the dispute is between individuals; and by arms or negotiation, if between nations. In the case before the Senate, the United States have a right of possession under the Ghent treaty, and a right of entry under the treaty of 1818; but the latter is already half run out, and the former must be considered as abandoned, if not renewed and effectually asserted.

Mr. B. made further remarks upon the third article of the London treaty. He had heard it said that an able diplomatist never signed a treaty without having first deposited in it the seed of a new contestation. If so, the negotiators of this article have shown themselves eminently able. They have not only sowed the

FEBRUARY, 1823.]

Election of President of the Senate pro tempore.

[SENATE.]

seed of a new contest with England, but with all the powers who may choose to contend with us for the Northwest coast of America. They have inserted a saving clause in behalf of all other "claims" of all other "States and Powers" to the same district of country. When I saw this gratuitous and extraordinary reservation, I could not avoid casting my eyes to the foot of the treaty, and searching among the signatures for the names of Nesselrode and Capo D'Istria; not seeing their names there, I nevertheless believe that I see the finger of Russia in the treaty itself; and in a reservation so vague and so foreign to the interest of the Republic, every one may see the policy of England, securing to herself the means of strengthening her own pretensions by joining to them the "claims" of all other "Powers and States."

Mr. B. found other provisions, to him unaccountable, in this treaty. The "fishing privilege" is yielded to us, without an equivalent, which, at Ghent, could not be obtained, except to balance the navigation of the Mississippi; and he found the sovereignty of the Columbia a concession not even asked for at Ghent, more than half surrendered to Great Britain and her associate pretenders, and this, too, without the shadow of an equivalent to the United States; unless, indeed, by a *sub silentio* agreement, the sovereignty of the Columbia was substituted for the navigation of the Mississippi, as the price of the important privilege of taking and curing fish on the desert shores of Labrador and Newfoundland.

Mr. B. would not pursue this subject any further. He flattered himself that he had made good all the points which he had taken before the Senate, and that it was now apparent that the Republic, partly through its own remissness, partly from the concessions of our Ministers in London, but chiefly from the bold pretensions of England, is in imminent danger of losing all its territory beyond the Rocky Mountains. The evils of such a loss to us, and the advantage of such an acquisition to her, are too obvious to be here insisted upon. Every one can see that the mouth of the Columbia, in the hands of England, would be immediately converted into a grand naval station, for the protection of her trade and navigation in the Pacific Ocean, and for the destruction of the commerce of all other powers. Not an American ship will be able to show itself beyond Cape Horn, but with the permission of the English.

The direct intercourse between Asia and the valley of the Mississippi would be intercepted. The fur trade of the Rocky Mountains would fall into the hands of British subjects, and with it the entire command of all the Indians of the West and North, to be turned loose upon the frontiers of Missouri and Arkansas, and Illinois and Michigan, upon the first renewal of hostilities between the United States of America and the King of Great Britain.

TUESDAY, February 18.

Lead Mines and Salt Springs.

The Senate then resumed the consideration of the bill to authorize the President of the United States to offer at public sale the salt springs and lead mines of the United States, and the public land contiguous thereto.

Mr. DICKERSON moved to strike out the first section of the bill, and to insert a substitute, providing, in substance, that the President of the United States be authorized to appoint some fit person, skilled in mineralogy, for the space of three years, for the purpose of examining and reporting, from time to time, on the mines and minerals of the States of Missouri and Illinois, and Territory of Michigan; and allowing him a salary therefor.

Mr. DICKERSON supported this proposition, and opposed the original bill.

Mr. BROWN, of Louisiana, advocated, at some length, and Mr. MAOON briefly, the expediency of selling the mine lands. Mr. LLOYD, of Massachusetts, made some remarks against the bill, and Mr. TALBOT likewise, in its present shape.

The bill was then laid on the table; and the Senate adjourned.

WEDNESDAY, February 19.

Election of President of the Senate pro tempore.

At 12 o'clock to-day, the Secretary of the Senate called the Senate to order; and having stated that the hour had arrived at which the Senate had resolved to proceed to the election of President *pro tempore*, he requested the members to prepare their ballots for that purpose.

The Senate accordingly proceeded to ballot for a President *pro tem.*, and the result was as follows:

For JOHN GAILLARD, of South Carolina	82
For James BARBOUR, of Virginia	- - 6
Scattering	- - - - 6

So Mr. GAILLARD was elected President of the Senate *pro tempore*; and, having taken the Chair, made his acknowledgments to the Senate as follows:

GENTLEMEN: On taking the station with which you have honored me, I must be permitted to tender you my acknowledgments for so flattering an evidence of the continuance of your confidence and favor. Were my capacity to fill this place commensurate with your kindness, or equal to the gratitude I feel, I might then reasonably expect to merit your approbation, which would be the highest reward I could obtain, and the most gratifying compensation for the cares and solicitude which must ever be attendant on the situation to which I am called. Forbidden, however, by a thorough conviction of my deficiencies in many essential respects to hope for so favorable a result, I must again throw myself for encouragement and support on your known liberality, and on the experience I have had of your former indulgence, and they will, I trust, sustain me in the attempt I shall make to discharge the duties devolving on me with fidelity and impartiality; being fully persuaded

that I shall thereby furnish the most satisfactory testimony that can be offered of my high respect for this body, as well as of my esteem and personal regard for the individuals composing it.

On motion of Mr. MILLS, the Secretary was directed to wait on the President of the United States, and acquaint him with the election of Mr. GAILLARD as President of the Senate, in the absence of the VICE PRESIDENT of the United States, and also to inform the House of Representatives thereof.

THURSDAY, February 20.

Christian Indians in Ohio—Failure of the Experiment.

On motion of Mr. RUGGLES,

Resolved, That the Committee on Finance be instructed to inquire into the expediency of making an appropriation to enable the President of the United States to take such measures as may be necessary for purchasing the right, title, and interest, which certain Indians have in and to three several tracts of land, of four thousand acres each, lying in the county of Tuscaroras, in the State of Ohio, which lands were granted by Congress, in the year 1796, to the "Society of United Brethren for propagating the Gospel among the Heathen," in trust, for the sole use and benefit of the said Indians; said purchase to be made with the knowledge and consent of the said Society.

MONDAY, February 24.

The PRESIDENT communicated the credentials of JOHN TAYLOR, appointed a Senator by the Legislature of the State of Virginia, for the term of six years, commencing on the fourth day of March next; and also, the credentials of NEHEMIAH R. KNIGHT, appointed a Senator by the Legislature of the State of Rhode Island and Providence Plantations, for the same term of six years; which were severally read, and laid on file.

Case of Divorce.

The Senate then took up the bill to divorce John Wheelwright, of Alexandria, and Caroline Eliza Wheelwright his wife.

Mr. W. petitions for a divorce, on the ground of the insanity of his wife, at the time of his marriage, (though then to him unknown;) of the increase of the malady until it became entirely settled and confirmed; of its having now continued for several years, and the belief, (in which he has the opinion of the physicians in whose care she has been long placed,) that the insanity is incurable.

A long and feeling debate took place on this bill—chiefly on these points: Whether the insanity actually existed at the time of marriage, so as to render the contract void; whether an affliction of this character ought to dissolve the marriage contract; whether, if it was entitled to relief, the tribunal appointed for the purpose of granting such relief in the State of Massachusetts, (where the marriage was contracted,) was not the proper place for the petitioner to seek

it; whether it was right for Congress to grant divorces at all, (it has never yet granted one,) &c. It was agreed, on all hands, the facts being generally admitted, that it was a case of great hardship. Messrs. BARBOUR and SOUTHARD advocated the bill with much earnestness. It was opposed by Messrs. KING of New York, BENTON, MILLS, HOLMES of Maine, and CHANDLER. Mr. LLOYD, of Massachusetts, without taking sides on the bill, spoke in corroboration of the facts set forth by the petitioner, and as to the great respectability of the connections of the lady residing in Boston.

The question being taken on ordering the bill to be engrossed and read a third time, it was decided in the negative by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Barton, D'Wolf, Dickerson, Eaton, Johnson of Kentucky, Johnson of Louisiana, Kelly, Knight, Lanman, Noble, Parrott, Southard, Talbot, Taylor of Indiana, and Williams of Tennessee—16.

NAYS.—Messrs. Benton, Boardman, Brown of Ohio, Chandler, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Morrill, Palmer, Seymour, Smith of South Carolina, Stokes, Taylor of Virginia, Thomas, Van Buren, Van Dyke, Ware, and Williams of Mississippi—26.

So the bill was rejected.

TUESDAY, February 25.

Louisiana Land Titles.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to enable the holders of French, British, and Spanish titles to land, within the State of Louisiana, which have not been recognized as valid by the Government of the United States, to institute proceedings to try the validity thereof, and for other purposes; together with the amendments reported thereto by the Committee on Public Lands.

Mr. JOHNSON, of Louisiana, explained the objects of the bill, and urged the importance of acting on the subject at the present session. He thought it was not only the duty but the interest of the Government to provide for the adjustment of the claims embraced by the bill. If they are not valid, they belong to the United States, and should be brought into market, which could not be done until they are decided on. But he complained of the injury done to Louisiana, by keeping large claims of land waste, within the limits of the State. Emigration had then been checked, and the prosperity of the country retarded. He said, when the subject was under consideration some days since, he had proposed to exclude from the operation of the bill three large claims known by the names of Bastrop's, Maison Rouge's, and Houmas's, not because he had changed his opinion since he introduced the bill, but because he understood

FEBRUARY, 1823.]

Political and Commercial state of the Island of St. Domingo.

[SENATE.]

it to be the opinion of the Committee on Public Lands to whom the bill was referred, that it was expedient to provide for their decision in a separate bill. But as no such bill had been since introduced for the purpose, he was now opposed to the amendment under consideration, reported by the Committee on Public Lands, which proposed to exclude these claims from the operation of the bill. He considered it of the first importance in every point of view, that these claims should be also adjusted without further delay.

Upon this amendment a discussion arose, which occupied more than three hours. It was ultimately adopted—ayes 27, noes 10.

It appeared to be the opinion of the several members, that the three claims alluded to, should not be referred to the Judiciary, but be decided on by Congress itself; though the Senate seems to have acted on the ground that it was expedient to provide for their adjustment by a separate bill.

The gentlemen who spoke in favor of including the three large claims, named above in the bill, were Messrs. JOHNSON of Louisiana, VAN DYKE, BROWN of Louisiana, SMITH of Maryland, and MILLS; and those who opposed it were Messrs. TAYLOR of Virginia, VAN BUREN, EATON, LANMAN, BARBOUR, and CHANDLER.

After considerable discussion on other details of the bill, and the adoption of several amendments; and after rejecting a motion to postpone the bill indefinitely, the question was put on engrossing the bill for a third reading, and was decided in the affirmative by yeas and nays—yeas 28, nays 6, as follows:

YEAS.—Messrs. Barbour, Barton, Benton, Brown of Louisiana, Brown of Ohio, Elliott, Findlay, Galliard, Holmes of Maine, Johnson of Kentucky, Johnson of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Noble, Palmer, Seymour, Smith of Maryland, Stokes, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, and Williams of Mississippi.

NAYS.—Messrs. Boardman, Chandler, Dickerson, Lanman, Morrill, and Smith of South Carolina.

WEDNESDAY, February 26.

IN EXECUTIVE SESSION.

Political and Commercial state of the Island of St. Domingo.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

By a resolution of the 27th of December last, the President of the United States was requested to communicate to the Senate, such information as he might possess, respecting the political state of the Island of St. Domingo; whether the government thereof was claimed by any European nation, what our commercial relations with the government of the island were, and whether any further commercial relations with that Government would be consistent with the interest and safety of the United States.

From the import of the resolution, it is inferred that the Senate were fully aware of the delicate and

interesting nature of the subject embraced by it, in all its branches. The call supposes something peculiar in the nature of the government of that island, and in the character of its population, to which attention is due. Impressed always with an anxious desire to meet every call of either House for information, I most willingly comply in this instance, and with a view to the particular circumstances alluded to.

In adverting to the political state of St Domingo, I have to observe, that the whole island is now united under one government, under a constitution, which retains the sovereignty in the hands of the people of color, and with provisions which prohibit the employment in the government, of all white persons who have emigrated there since 1816, or who may hereafter emigrate there; and which prohibit, also, the acquisition, by such persons, of the right of citizenship, or to real estate in the island. In the exercise of this sovereignty, the government has not been molested by any European power. No invasion of the island has been made, or attempted, by any power. It is, however, understood, that the relations between the Government of France and the island have not been adjusted, that its independence has not been recognized by France, nor has peace been formally established between the parties.

The establishment of a government of a people of color in the island, on the principles above stated, evinces, distinctly, the idea of a separate interest, and a distrust of other nations. Had that jealousy been confined to the inhabitants of the parent country, it would have been less an object of attention. But, by extending it to the inhabitants of other countries, with whom no difference ever existed, the policy assumes a character which does not admit of a like explanation. To what extent that spirit may be indulged, or to what purposes applied, our experience has yet been too limited to enable us to form a just estimate. These are inquiries more peculiarly interesting to the neighboring islands. They, nevertheless, deserve the attention of the United States.

Between the United States and the island a commercial intercourse exists, and it will continue to be the object of this Government to promote it. Our commerce there has been subjected to higher duties than have been imposed on like articles from some other nations. Is has, nevertheless, been extensive; proceeding from the wants of the respective parties, and the enterprise of our citizens. Of this discrimination to our injury, we had a right to complain, and have complained. It is expected that our commercial intercourse with the island will be placed on the footing of the most favored nation. No preference is sought in our favor, nor ought any to be given to others. Regarding the high interest of our happy Union, and looking to every circumstance, which may, by any possibility, affect the tranquillity of any part, however remotely, and guarding against such injury, by suitable precautions, it is the duty of this Government to promote, by all the means in its power, and by a fair and honorable policy, the best interest of every other part, and thereby of the whole. Feeling, profoundly, the force of this obligation, I shall continue to exert, with unwearied zeal, my best facilities to give it effect.

JAMES MONROE.

FEBRUARY 25, 1823.

The Message was laid on the table for consideration.

SENATE.]

Farrow and Harris.

[FEBRUARY, 1823.]

THURSDAY, February 27.

Farrow and Harris.

The bill to authorize the adjustment of the accounts of Nimrod Farrow and Richard Harris (formerly contractors for building the fortifications on Dauphin Island, now abandoned) was taken up. A debate of considerable duration took place on this bill and the various amendments offered thereto.

Mr. JOHNSON was opposed to the postponement of the bill. He said the object of the motion seemed to be to postpone the bill under consideration, which had been reported by the committee of the Senate, to whom the subject was referred, for the purpose of passing the bill from the House of Representatives for the relief of the petitioners. He did not approve of either of the bills, as neither of them is calculated to afford prompt relief. He thought the Senate's bill, however, best calculated to attain that object.

Mr. J. now explained the circumstances of the case, and exposed the hardships to which the petitioners had been subjected, and the cruel injustice which had been done them by Congress, as he conceived, in withholding the appropriations necessary to enable the Government, on its part, to fulfil the contract made with the petitioners. Farrow, one of the petitioners, and who was most interested, and whom he represented as being at the time of the contract a gentleman of high respectability, and one of the most wealthy citizens of Virginia, had, in consequence of this failure on the part of the Government, been reduced from a state of affluence and independence to that of poverty and want; and he had been harassed and oppressed for a considerable time, and, he believed, without the least fault on his part. He referred to the contract. In the month of July, 1818, Farrow and Harris entered into a contract with the Government to construct on Dauphin Island, Mobile Bay, a fort and other public buildings, and engaged to be on the island on or before the 1st day of December, 1818, for the purpose of commencing the works. And it was stipulated between the parties that the United States engineer would be on the island at the time specified, and designate the spot on which the buildings were to be erected, and prescribe the manner in which they were to be executed. It appears Farrow and Harris arrived on the island with their men, materials, and implements, to a very great amount, ready to carry into effect their part of the contract. But the United States engineer, who was to designate the site for the intended works, did not arrive till some time in January; so that the contractors, with all their mechanics, laborers, and overseers, had to wait nearly two months in a state of suspense and uncertainty, and were in consequence subjected to great inconveniences, and sustained heavy losses. Still, notwithstanding this failure on the part of the Government, the contractors had commenced,

and progressed rapidly with the works; they had surmounted the difficulties that had impeded their progress; the materials sufficient for the completion of the works had been obtained; and at the time Congress withheld the appropriations which occasioned the progress of the works to be stopped, there was every reason to believe the contract would soon be fulfilled, to the entire satisfaction of the Government.

The Chief Engineer, in his report, states: "The contract for fortifications at Dauphin Island was in a prosperous condition at the time the appropriation was withheld; and, from the means applicable to its prosecution, as shown in the table, there is reason to believe its progress would have continued to be entirely satisfactory, and that it would be erected within the estimate." And it appears by a statement from the proper department, that on account of \$162,877, advanced by the Government to Farrow and Harris, a credit of \$48,899 is allowed, and that the value of the articles on hand applicable to the works is set down at \$120,000—making together the sum of \$168,899—showing a balance of \$6,647 due to Farrow and Harris, independently of the heavy damages they have sustained from the violation of the contract on the part of the Government, and for which they are certainly entitled to compensation.

Contracts with the United States are governed by the same principles as between individuals; each party being bound to fulfil what they agree to do, and the party that fails to perform the agreement is liable to damages.

Thus it appears, from these statements, that at the time the progress of the works was stopped by the Government, the materials on hand were perhaps equal to the completion of the works contemplated, and the means necessary, in full operation, to complete them in a short time, and all the expenses incurred, on which the profits are predicated. Notwithstanding this view of the subject, which he believed to be correct, the contractors have been prosecuted by the Government, and their property withheld to a large amount, and a suit is now actually pending against them and their securities to recover back the amount of advances made by the Government on account of the contract; after deducting the value, by admeasurement, of so much of the work as was actually done, at the contract rates. The amount of the price of this work, added to the value of the materials on hand, at a fair valuation, would be no compensation to the contractors. By this mode of settlement, no allowance would be made for the great investments of capital, or for the labor and expenses bestowed in collecting the materials, and preparing for the execution of the work; nor would any allowance be made for the losses and risks incident to such an undertaking, or for such materials as were either paid or contracted for, though not actually delivered. The profits to

FEBRUARY, 1823.]

Government Deposits in Banks.

[SENATE.]

be derived from his contract could arise, not from the collection of the materials on the island, but from putting the materials together in the construction of the works.

Mr. J. proceeded to state, that about 80 or 100 slaves had been purchased on account of the Government, for the purpose of executing the works, and were mortgaged to the Government for the advances made, and are now held subject to the mortgage. And what is contemplated to be done, he asked, by the bill from the House of Representatives? It provides for the sale of the slaves and materials alluded to, for prompt payment, with the view of giving the contractors credit for the amount of the proceeds of sales. It was evident, he said, that the property, if thus disposed of, would be sacrificed. Besides, the power of Congress to adopt such a step might be questioned. If the materials furnished for the fortifications belong to the United States, they require no law to authorize the sale of them. If they are the property of the contractors, Congress has no right to pass a law directing the sale of them. But, presuming the materials to belong to the contractors, and admitting the power thus to dispose of them, would it be just or politic to exercise it? He thought not. The materials are wanted, and may all be employed, as he is informed, in completing the fortifications now building at Mobile Point, three miles from Dauphin Island. He was of opinion, therefore, that the Government should be authorized to receive them at a fair estimation, leaving the question of damages open for further investigation. He was also of opinion that the Government should be directed by this act to receive the slaves in question at the price for which they were purchased, or at least to discharge the mortgage on them. The gentleman who had purchased the slaves for the Government had not been credited with the amount paid for them, nor was he permitted to use or to dispose of them. This seems to present a case of peculiar hardship, nor could he reconcile the course which had been pursued in relation to the subject with his ideas of the principles of justice.

The bill under consideration, he said, requires the Secretary of War to cause all the facts of the case to be investigated, and to report the same to Congress at their next session, for the purpose of enabling Congress to act advisedly on the subject. There was one great objection to this plan. If adopted, the adjustment of the subjects in controversy will be suspended for another year, greatly to the injury of all parties concerned. He would prefer to see the bill modified, so as to make an immediate disposition of the materials and slaves alluded to, in the manner he had suggested, leaving the question of damages to be ascertained as provided for by the bill. Nevertheless, he preferred this bill to the one from the House of Representatives, and hoped it would not be postponed.

The motion was rejected, and the bill was ordered to a third reading, and passed.

FRIDAY, February 28.

Government Deposits in Banks.

The PRESIDENT laid before the Senate a report from the Secretary of the Treasury, relative to loans or deposits made by the Treasury to banks from the year 1789 to the present time—rendered in obedience to a resolution of the Senate; which report was, on motion of Mr. EATON, ordered to be printed. The report is as follows:

TREASURY DEPARTMENT, Feb. 25, 1823.

SIR: In obedience to a resolution of the Senate, of the 29th ultimo, requesting the Secretary of the Treasury "to inform the Senate if any loans of money to any amount, and for what purpose, have been made from the Treasury, to any individuals or banking institutions, since the third day of March, 1789, and whether such loans, so made, have been repaid, or in any manner adequately secured, so that the Government will ultimately be satisfactorily reimbursed," I have the honor to submit copies of letters from the Secretary of the Treasury, from the 19th of March, 1792, to the 17th of July, 1819, inclusive, to the officers of the Bank of the United States, and of its branches, and to the officers of certain State banks, and to other officers and individuals, which contain the information required by the resolution, as far as it can be collected from the correspondence of the department.

By reference to the papers numbered from 1 to 11, inclusive, it is apparent that loans in fact, though not in terms, were offered by the Treasury Department to the Bank of the United States, and to the State banks to which they were directed.

By the first of these letters, dated the 19th March, 1792, the Secretary of the Treasury informed the President of the Bank of the United States that it had been represented to him that an unusually large sum of money had, and would become due to the United States, from importers in the district of Philadelphia, in the month of March, 1792, and reminded him that, in consequence of standing circular instructions, the collector of the district would receive from the merchants, as cash, the post notes of the Bank of the United States, if not issued for a longer period of payment than thirty days, and that he would judge how far it might be convenient to make operations payable in such notes, which might not be convenient if payable immediately in specie or cash notes. On the 29th of the same month, a letter was addressed, by the same officer, to the President of the Bank of Maryland, stating that it has been intimated to him that considerable sums of duties had become due, or were to fall due, in Baltimore, in the course of the month, and that it was at all times his wish to give to the merchants as much facility as the public business would admit; that he had, therefore, determined, if he should incline to make discounts for the importers, to enable them to pay the duties due on or before the 15th of April thereafter, he would leave a sum of money equal thereto, in his hands, for sixty days after the dates of the notes.

By his letters of the 10th of April, 1792, the Presidents of the Bank of the United States and of the Bank of Maryland were informed that circumstances within his knowledge induced him to state that the operation, suggested in his letter of the 29th of March, continued to be desirable in relation to those

SENATE.]

Government Deposits in Banks.

[FEBRUARY, 1823]

who have payments to make at the custom-house, in the course of that month. By his letter of the 8th of December, 1792, the President of the Bank of the United States was informed that the Secretary had no objection that notes in which the Government was interested should be renewed for thirty days in all cases where it could be done with perfect safety to the public. By the letter of the Secretary, of the — of February, 1793, the presidents of the offices of the Bank of the United States at New York and Baltimore were informed that an arrangement had been made with the Bank of the United States, for the accommodation of the merchants of Philadelphia, whose bonds for duties were to become payable between that date and the last day of the ensuing month, by which the bank would discount the notes of such merchants as were indebted to the custom-house, for thirty days, for the respective sums that should become payable; the bank to receive those notes from the collector as cash, to be drawn for only by the collector. The president of the office was informed that, if a similar arrangement appeared to him to be requisite to the accommodation of the merchants of New York, he would not draw for the sums that had relation to the transaction, until about the middle of May thereafter. On the 5th of March, 1793, a similar letter was addressed to the presidents of the offices of discount and deposit at Boston and Providence. His letters of the 5th of April, 1793, and the 16th of February, 1797, marked 10, 11, have the same object in view; that is to say, they offer, as inducements to the banks to discount the notes of persons indobted upon duty bonds, that the amount of such bonds shall not be drawn from the banks until the notes discounted were payable, or that post notes shall be receivable by the collector in discharge of such bonds.

The latter of these letters relates to the case of an individual, in whose favor the Secretary of the Treasury submits to the consideration of the bank, whether an accommodation could not be granted to him, on condition that the sum discounted should be paid in a post note, to be deposited with the collector of the customs. This representation was made in consequence of the individual's being unable to obtain a credit at the custom-house on a cargo of coffee, because he had duty bonds to a considerable amount then due. It appears, from the letter of the 23d of February, 1793, already referred to, that arrangements of that nature were made, verbally, with the bank, as the arrangement referred to in that letter is not of record in the office.

The correspondence between the Secretary of the Treasury and the banks, generally, does not show upon what account the deposits in those banks were made. The letters of the Secretary to the Treasurer are still more general, simply directing the deposit.

The accounts of the Treasurer with the banks, anterior to the last quarter of the year 1811, have not been preserved; no inference, therefore, can be drawn, from the state of the accounts, as to the object or purpose for which any deposit was made, previously to that date. From the accounts with the banks, from that period, it appears that many deposits were made by transferring public money from one bank to another, when the amount in the bank to which the transfer was made was much more than sufficient to meet the drafts drawn upon it. Although the inferences which may be drawn from the state of the accounts between the Treasurer and a bank in which

deposits are made, apparently not required for the public expenditure, cannot be considered as conclusive evidence that such deposits were made to sustain the bank against a run, or press upon it, or to aid in its operations; yet the presumption is sufficiently strong to make it proper to present a few of those cases. On the 6th of March, 1812, a draft was drawn for \$50,000, in favor of the Mechanics Bank of New York, upon the State Bank at Charleston, and on the 7th of May, for \$80,000. On the 2d of March, there was on deposit, in the former bank, \$432,000, which was not reduced below \$319,000 during the remainder of the month; and on the 4th of May, the deposit was \$133,000, which sum was not diminished during the month; and at the end of the quarter it had increased to \$224,000. There were drawn and deposited in the Bank of Pennsylvania the following drafts, viz: 12th March, 1812, upon the Union Bank of Boston, \$50,000; 6th July, upon the State Bank of Boston, \$49,000; in October of the same year, upon the Bank of Baltimore, \$200,000; and upon the Manhattan Company, \$100,000. At the date of the first draft, there was standing to the credit of the Treasurer, on the books of the bank, \$133,000, which was not diminished during the month; and at its close, amounted to \$294,000. At the date of the second, the deposit amounted to \$164,000, which continued increasing, and amounted, on the 17th August, to \$403,000; and at the end of the quarter, to \$636,000. On the 6th of October, the date of the first draft, in that month, it amounted to \$465,000, and at the close of the month, to \$593,000. The records of the office afford no explanation of the reasons which induced the Secretary of the Treasury to make these transfers; and many others, of a similar nature, were made from time to time. But on the 4th of March, 1814, the Cashier of the Bank of Pennsylvania, by letter of that date, informed the Secretary of the Treasury, that the great and unprecedented demand upon that institution for specie, principally from the eastward, induced him to request that, if consistent with the interests of the Government, he would give him drafts either on New York or Boston, to an amount that would counteract those demands, stating that the amount of specie in the vaults but little exceeded \$200,000, and that the demands of the bank upon those to the southward of Philadelphia, if called for, might put them to serious inconvenience. Upon this representation, a draft was, on the 8th of the month, drawn by the Treasurer, in favor of the bank, for \$150,000, upon the Bank of New York. Upon the 28th of February preceding this transaction, there was in the bank a deposit of \$755,000, and on the 31st of March, \$799,000. By reference to the letter of the President of the Bank of Columbia, which accompanies this report, it appears that, on the 29th of October, 1801, the Secretary of the Treasury made a deposit in that bank of \$50,000, to enable it to sustain itself against a run which was then making upon it, and that other sums were subsequently deposited in that bank by the department, to aid in its operations. In the letter of the acting Secretary of the Treasury, of the 27th May, 1813, to Stephen Girard, he is informed that "the arrangement made by Mr. Gallatin, relative to the deposit of the public moneys drawn from your bank, in favor of the public agents, was to shield you against the attacks of the incorporated banks, to whom such money would otherwise have been transferred; and the magnitude of your con-

FEBRUARY, 1823.]

Government Deposits in Banks.

[SENATE.]

tract might thus have been rendered highly prejudicial to your institution. It is the particular province, and it has been the practice, of the Department of the Treasury of the United States, to direct the moneyed operations of the public, to the preservation of credit, by maintaining the equilibrium between the moneyed institutions of the country; and as it has protected your institution, by the arrangement alluded to, so it will guard those institutions against any undue pressure which the public funds in your vaults may enable you to direct against them. I am informed that you have made some very heavy and unnecessary drafts of specie from several banks, and particularly from the Pennsylvania and Farmers and Mechanics Banks, with indications of a disposition to persevere, which has excited considerable apprehension. I therefore deem it necessary to inform you, that a continuance of that system will induce the prompt application of a specific remedy."

From my personal intercourse with Mr. Gallatin, I know he entertained the sentiments communicated in this letter, and I presume they have been entertained by all of his predecessors and successors in office, and acted upon whenever cases occurred which rendered it necessary.

When I entered upon the duties of Secretary of the Treasury, on the 22d of October, 1816, the banks in all the States, except those in Massachusetts, had suspended specie payments. My immediate predecessor in office had made an ineffectual attempt, in the course of that year, to induce them to commence specie payments, by discharging, in specie, all notes not exceeding five dollars. By the charter of the Bank of the United States, it was to go into operation on the 1st of January, 1817. It was, after mature deliberation, determined that another effort should be made by the Treasury Department, to induce the State banks to aid the Bank of the United States in restoring the currency to a sound state. There was then in the Treasury more than eleven millions of dollars, deposited in the State banks, and the estimate of receipts for the year 1817, considerably exceeded that of the expenditure for the year. It was, therefore, proposed by the Department, that no part of the sums then in the State banks should be drawn from them before the 1st of July, unless the receipts should not be equal to the expenditure—an event which there was no reason to apprehend—and that, after that time, it should be gradually drawn, as the public service should require, but in no case were drafts to be drawn in favor of the Bank of the United States, unless it should become necessary to protect it against the State banks. This advantageous proposition was declined without hesitation. The banks in the principal Atlantic cities, however, entered into an arrangement with the Bank of the United States, by which they engaged to resume specie payments, and, in the course of the year 1817, the resumption, with but few exceptions, became general throughout the Union. Towards the close of the year 1818, some of the banks in the Western States stopped payment. The sudden fall in the price of all domestic articles, which occurred about the same period, created a general pressure upon the banks. In the winter and spring of 1819, the Bank of the United States was, in the opinion of the enlightened officer who presided over its direction, in a great degree indebted for the preservation of its credit to the forbearance of its creditors, and to the support which it received from the Treasury Department. Such were my impres-

sions of its critical state, that I felt it my duty to accept propositions made by the Board of Directors, which, under other circumstances, would have been declined.

During this general pressure, the banks in this District, which, upon the establishment of the office of discount and deposit in the city, had not taken advantage of that event to reduce their circulations, by contracting their discounts, were pressed by continual and increasing demands for specie from the eastward, and by the return of their notes upon them from the western parts of Virginia, where certain banks, chartered by that State, had commenced, or were preparing to commence business. Pressed thus on both sides, their means of meeting the demands made upon them, and of preserving their credit, were believed to be insufficient. In this critical situation, several of them applied, personally, by their directors, to the Department, to ascertain whether, in case of great emergency, they would receive any support. Considering this crisis as highly important to the nation, and believing that a failure of one or more of those banks would produce a general run upon all, of a different nature from that which was then pressing upon them, assurances were given that a reasonable support might be relied upon.

In consequence of this assurance, deposits were, from time to time, made in the Union Bank of Alexandria, the Mechanics Bank, and the Franklin Bank, of the same place; in the Union and Central Banks of Georgetown; in the Bank of Washington, and in the Patriotic Bank. All these sums have been repaid, except the sum of \$48,000, deposited in the Franklin Bank of Alexandria. The whole of the funds of that bank have been assigned to the United States, and legal measures have been adopted by the Attorney of the United States for the recovery of the amount from the debtors of the bank. The letter of that officer, which is herewith communicated, shows that there is no danger of any loss to the United States. Copies of the letters to the Treasurer, directing the deposits to be made in that bank to his credit, are also communicated. These deposits were made upon the representations of General Thompson Mason, then collector of the district of Alexandria, and of John T. Ricketts, Esq., who were both men of great respectability, and considerable stockholders in the bank. W. T. Swann, Esq., a man of the fairest character, and of considerable property, was then the President of the Bank. No doubt was entertained of the integrity with which the bank was administered, and of its capacity, if aided for a short time, of preserving its credit, and of meeting the drafts of the Treasurer for the amount deposited by him to his credit. This anticipation, it is believed, would have been realized, had not the notes of the bank been so successfully counterfeited as to have imposed upon its officers to a considerable amount. The same misfortune befell the Central Bank of Georgetown. In the month of May of the same year, when the cashier of the Bank of Columbia was about to set out on his journey through the interior of the States of Pennsylvania, Maryland, and Ohio, for the purpose of demanding payment of the special deposit which had been transferred to that bank, he represented to the Department that he should be at very considerable expense, and that, during his absence, there might be a press made upon the bank, and therefore requested that a deposit of forty-five thousand dollars might be made in the bank, to the credit of the

Treasurer. As no charge was to be made for the expense and risk which was incurred, in carrying a large amount of bank notes through the country, the request was considered reasonable, and the deposit was accordingly made. This bank has never ceased to pay its notes in specie, on demand.

These are all the transactions with banks which are believed to be within the intent or terms of the resolution, except certain transactions with the banks in this district, in the early part of the year 1817, which were specifically reported to the two Houses of Congress, on the 10th of December, 1817, and printed among the public documents of that session. In that report, it is stated that a deposit of \$75,000 had been made in the Farmers and Mechanics Bank of Georgetown, to sustain it in its operations, immediately after resuming specie payments. The principle and practice of the Treasury in sustaining the credit of banks, disposed to act correctly, was, in this communication, frankly disclosed to Congress, when not the slightest symptom of dissatisfaction was manifested, or the right or propriety of the practice called, directly or indirectly, in question.

It is presumed that it has not been the practice of the Department to lend the public money to individuals. By reference to letters numbered from 12 to 16, inclusive, it will be found that public money has been advanced to individuals, which, however, have that appearance; but it is possible that those transactions may admit of explanations, which may take from them that character. From Nos. 14, 15, it appears that considerable sums were, in 1798, advanced to Lane & Salter, and others, to enable them to erect the necessary machinery for making cannon, when no contract for that object had been made. The only case which has occurred since I took charge of the Treasury Department, which can have given rise to that part of the resolution, is one connected with the public money deposited by the Receiver at Cincinnati, in the Farmers and Mechanics Bank of that place.

That bank, a short time after the date of its agreement with the Department, in 1819, stopped payment, and has not, when called upon, offered any explanations, or given any reply, to the several letters addressed to it by the Department. When, in the course of that year, Mr. Whann visited Cincinnati, as the agent of the Treasury, to convert the special deposit into current notes or specie, or to obtain acknowledgments that should bear interest, he reported that all the banks upon which he had called, with the exception of the Farmers and Mechanics, had shown a disposition to act fairly—had exposed to him the state of their affairs, and given him such explanations as were satisfactory; but that the officers of that bank had refused to expose the state of its affairs, or give explanations of any kind. It also refused to give any receipt or acknowledgment of the amount which had been deposited in it. No return has yet been made by the bank to the Treasurer, or to his office, stating the amount in its possession. These circumstances had produced a most unfavorable impression, not only as to the integrity with which the bank was directed, but also as to its solvency. In the spring of 1820, Colonel Johnson, of the Senate, as the agent of his brother, applied to the Department to ascertain whether, upon his transferring notes to the United States, upon persons in good credit, in this place, a credit would be given to

his brother for the amount with the Farmers and Mechanics Bank. Believing, as I did, from the circumstances which have been stated, that the debt due by the bank was not safe, and that notes upon solvent persons in this place afforded a more certain prospect of receiving payment than from the bank, the offer was accepted, and notes, to the amount of \$30,583 24, a considerable proportion of which were secured by mortgage, were deposited in the branch of the United States Bank in this place, and a credit for the amount given to Colonel Johnson with the bank at Cincinnati. The transaction, however, was never considered as a loan of money. It was, in fact, changing one debt for another, and receiving, as it was then, and is still believed, a better security for it than what was given in exchange. Subsequent reflection, however, upon the subject, excited doubts whether the responsibility of changing the nature of any debt due to the United States, except by taking collateral or additional security, ought to be incurred by the Department. An application of a similar kind, made subsequently, by the same gentleman, was accordingly declined.

I have the honor to be, &c.

W. H. CRAWFORD.

HON. JOHN GAILLARD,

President, pro tem., of the Senate.

SATURDAY, March 1.

A message from the House of Representatives informed the Senate that the House adhere to their amendment to the resolution directing the printing of the Journal of Congress, from the 5th day of September, 1774, to the 3d day of November, 1786.

[This being the last day of the session but one, and the joint rule of Congress forbidding that any bill shall be presented to the President of the United States, for his approbation, on the last day, the Senate continued in session until near three o'clock in the morning, considering the remaining bills from the other House; and in reading the third time and passing those bills which had previously, yesterday and to-day, been ordered to a third reading.]

MONDAY, March 3.

Having received official information that the President of the United States had approved the several bills presented for his signature,

The Senate appointed Mr. MAOON and Mr. KING, of New York, to give the customary notice to the President of the United States, that they had completed all the legislative business before them, and were ready to adjourn.

The Senate then went into the consideration of Executive business, and continued so occupied until half past 3 o'clock; when they adjourned to 6 o'clock, P. M.

At six o'clock the Senate resumed its session, and continued with closed doors (deliberating on Executive nominations, it was understood) until a late hour; when the Senate adjourned *sine die*.

SEVENTEENTH CONGRESS.—SECOND SESSION.

PROCEEDINGS AND DEBATES

IN

THE HOUSE OF REPRESENTATIVES.

MONDAY, December 2, 1822.

At 12 o'clock, precisely, the Speaker, (Mr. P. BARBOUR, of Virginia,) took the chair, and Mr. SAMUEL BURCH, principal clerk in the office of Clerk of the House of Representatives, called over the roll of members, when it appeared that the following members were present, viz :

From Maine—Joshua Cushman, Joseph Dane, Ebenezer Herrick, Mark L. Hill, Enoch Lincoln, and William D. Williamson.

From New Hampshire—Josiah Butler, Matthew Harvey, Aaron Matson, William Plumer, jr., Nathaniel Upham, and Thomas Whipple, jr.

From Massachusetts—Samuel C. Allen, Francis Baylies, Lewis Bigelow, Henry W. Dwight, William Eustis, Timothy Fuller, Benjamin Gorham, Aaron Hobart, Jeremiah Nelson, John Reed, and Jonathan Russell.

From Rhode Island—Job Durfee, and Samuel Eddy.

From Connecticut—Noyes Barber, Henry W. Edwards, John Russ, Ansel Sterling, Ebenezer Stoddard, and Gideon Tomlinson.

From Vermont—Samuel C. Crafts, Elias Keys, Rollin C. Mallery, John Mattocks, and Phineas White.

From New York—Churchill C. Cambreleng, Samuel Campbell, Alfred Conkling, John D. Dickinson, John Gebhard, James Hawks, Thomas H. Hubbard, Joseph Kirkland, Elisha Litchfield, Richard McCarty, Walter Patterson, Jeremiah H. Pierson, Nathaniel Pitcher, William B. Rochester, Charles H. Ruggles, Cadwallader D. Colden, Micah Sterling, John W. Taylor, Albert H. Tracy, Stephen Van Rensselaer, William W. Van Wyck, Reuben H. Walworth, Silas Wood, and David Woodcock.

From New Jersey—Ephraim Bateman, George Cassedy, Lewis Condict, George Holcombe, James Mathack, and Samuel Swan.

From Pennsylvania—John Brown, William Darlington, George Denison, Samuel Edwards, Patrick Farrelly, John Findlay, Samuel Gross, Joseph Hemphill, James McSherry, James S. Mitchell, Thomas Murray, jr., Thomas Patterson, John Phillips, George Plumer, Thomas J. Rogers, and John Tod.

From Delaware—Louis McLane.

From Maryland—Philip Reed, Joseph Kent, Peter

Little, John Nelson, Samuel Smith, Henry R. Warfield, and Robert Wright.

From Virginia—Mark Alexander, William S. Archer, Burwell Bassett, Robert S. Garnett, Edward B. Jackson, James Jones, William McCoy, Charles F. Mercer, Hugh Nelson, Thomas Newton, John Randolph, Arthur Smith, Alexander Smyth, Andrew Stevenson, George Tucker, and Jared Williams.

From North Carolina—William S. Blackledge, Hutchins G. Burton, Henry Conner, Welden N. Edwards, Thomas H. Hall, Charles Hooks, John Long, Archibald McNeil, Romulus M. Saunders, Felix Walker, and Lewis Williams.

From South Carolina—Joseph Gist, Thomas R. Mitchell, Starling Tucker, and John Wilson.

From Georgia—Joel Abbot, George R. Gilmer, Edward F. Tatnall, and Wiley Thompson.

From Kentucky—James D. Breckenridge, Benjamin Hardin, Francis Johnson, John T. Johnson, Thomas Metcalfe, Thomas Montgomery, Anthony New, David Trimble, and Samuel H. Woodson.

From Tennessee—Robert Allen, Newton Cannon, John Cocke, Francis Jones, and John Rhea.

From Ohio—Levi Barber, David Chambers, Thos. R. Ross, John Sloane, and Joseph Vance.

From Louisiana—Josiah Stoddard Johnston.

From Mississippi—Christopher Rankin.

From Illinois—Daniel P. Cook.

From Alabama—Gabriel Moore.

From Missouri—John Scott.

The following new members appeared, to wit :

From Maine—Mark Harris, in the room of Ezekiel Whitman, resigned.

From Pennsylvania—Walter Forward, in the room of Henry Baldwin, resigned ; and Thomas Forrest, in the room of William Milnor, resigned.

From Delaware—Daniel Rodney, in the room of Cesar A. Rodney, resigned.

From Virginia—James Stephenson, in the room of Thomas Van Swearingen, deceased ; and

From Indiana—Jonathan Jennings, in the room of William Hendricks, resigned—

Who severally produced their credentials, were qualified, and took their seats.

JAMES WOODSON BATZ, the Delegate from the Territory of Arkansas, also appeared and took his seat.

On motion of Mr. TAYLOR, of New York, a message was ordered to be sent to the Senate, informing that body that a quorum of this House was formed, and was ready to proceed to business.

On motion of Mr. TAYLOR, also, it was ordered, that a committee be appointed, to act jointly with such committee as may be appointed by the Senate, to wait on the President of the United States, and to inform him that the two Houses were in session, and ready to receive any communication which he might have to make to them.

Balloting for Clerk.

After receiving a message from the Senate, by their Secretary, that they had formed a quorum—

On motion of Mr. TAYLOR, it was ordered, that the House do now proceed to the election of a Clerk, to fill the vacancy occasioned by the death of Thomas Dougherty, Esquire, late Clerk of this House.

This being an office to which persons other than members of the House may be elected, nominations of candidates are, by the rules of the House, required previous to election; and twenty persons were nominated as candidates for the office.

[Six ballotings were had without a majority for any one.]

TUESDAY, December 3.

Several other members, to wit: From Connecticut, DANIEL BURROWS; from New York, CHARLES BORLAND, jr., and JOHN J. MORGAN; from Maryland, RAPHAEL NEALE; from Virginia, WILLIAM SMITH, JOHN FLOYD, and THOMAS L. MOORE; from Kentucky, JOHN SPEED SMITH; and from Ohio, JOHN W. CAMPBELL, appeared, and took their seats.

The SPEAKER also laid before the House a letter from the Governor of the State of Pennsylvania, enclosing authentic returns of the election of THOMAS FORREST, SAMUEL D. INGHAM, and WALTER FORWARD, to serve in this House as Representatives of that State in the room of William Milnor, Samuel Moore, and Henry Baldwin, who have resigned; which letter and returns were ordered to lie on the table.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and committed to the Committee of the Whole on the state of the Union, and five thousand copies thereof, with the accompanying documents, ordered to be printed for the use of the members of this House.

[For this Message, see Senate proceedings, ante page 848.]

Election of Clerk.

The House then proceeded to ballot (the 7th time) for a person to fill the vacancy of Clerk of

the House, in the place of the late Thomas Dougherty, Esq.

The eleventh ballot gave—

For Matthew St. Clair Clarke,	98
For Robert Temple,	48
Scattering,	4

So MATTHEW ST. CLAIRE CLARKE, having a majority of all the votes, was declared by the SPEAKER to be duly elected Clerk of this House.

Mr. CLARKE accordingly attended, and was sworn into office.

WEDNESDAY, December 4.

Another member, to wit, from North Carolina, JOSIAH CRUDUP, appeared, and took his seat.

A new member, to wit, from South Carolina, ANDREW R. GOVAN, elected to supply the vacancy occasioned by the death of James Overstreet, appeared, produced his credentials, was qualified, and took his seat.

THURSDAY, December 5.

Another member, to wit, from Pennsylvania, ANDREW STEWART, appeared, and took his seat.

Claim of Beaumarchais.

Mr. A. STEVENSON, of Virginia, called the attention of the House to a communication made at a late period of the last session of Congress, by the President of the United States, transmitting to the House the correspondence which had taken place between the French Government and the United States relative to the claim of the heirs of Beaumarchais. The subject had then been referred to a select committee, which did not report upon it. He now moved that the subject be again referred to a select committee.

Mr. CONDIOT suggested that the better course would be to refer the subject to the Committee of Claims for investigation, and made a motion accordingly.

Mr. WILLIAMS, of North Carolina, said that this claim differed from ordinary claims so far (the evidence in support of it being so voluminous, and the questions it embraced of such magnitude and difficulty) that it ought not to take the course of common cases of claims, but should be referred to a select committee. He intimated, further, that no committee could properly examine the questions involved in this claim, without devoting nearly the whole session to it.

Mr. STEVENSON further supported the reference to a select committee in preference to the standing committee; when—

The question on referring it to the Committee of Claims was taken, and decided in the negative. And the subject was referred to a select committee of five members; and Mr. ANDREW STEVENSON, Mr. CAMBRELENG, Mr.

DECEMBER, 1823.]

American Captives.

[H. OF R.]

FRANCIS JOHNSON, MR. DWIGHT, and MR. HOLCOMBE, were appointed the said committee.

Election of Chaplain.

The resolution from the Senate for the choice of two Chaplains—one for each House—having been received, was taken up, and concurred in. And, on motion of Mr. BATEMAN, the House proceeded to make a choice by ballot of a Chaplain on its part.

And the Rev. Mr. BROCKENRIDGE, of Kentucky, was elected Chaplain on the part of this House.

FRIDAY, December 6.

Another member, to wit, from Virginia, JAMES LEFTWICH, appeared, and took his seat.

A new member, to wit, from Pennsylvania, SAMUEL D. INGHAM, elected to supply the vacancy occasioned by the resignation of Samuel Moore, also appeared, was qualified, and took his seat.

SOLOMON SIBLEY, the Delegate from the Territory of Michigan, also appeared, and took his seat.

MONDAY, December 9.

Another member, to wit, from Massachusetts, SAMUEL LATHROP, appeared, and took his seat.

Disbursement of Public Moneys.

On motion of Mr. BASSETT, the House then resolved itself into a Committee of the Whole, on the bill, reported at the last session, "concerning the disbursement of public moneys."

The bill having been read—

Mr. BASSETT, as a member of the committee which prepared this bill, stated the general views on which it was founded. This bill, he said, had been drawn with a great degree of caution, so as, by embracing all cases in which advances could be necessary, to take away any possible objection which could be made against it; and it had afterwards been submitted to the Treasury Department to undergo any alterations which it might appear to require. The jeopardizing of the public money was of that character, Mr. B. said, and the consequent waste of it so enormous, that it was time for this House to look into it. At the last session of Congress, a catalogue of defalcations had been presented, which astonished everybody, embracing a range, the extent of which could hardly have been conceived. Mr. B. recalled the attention of the House also to one or two facts stated in the President's Message. The fact was there disclosed, that, at one time, accounts for one hundred millions of dollars advanced for different objects remained unsettled. Such an amount, dependent on the personal responsibility of individuals, at once tells us how careful Congress ought to be in trusting so great an interest in the hands of public agents. If it had been found that this great trust had been confided to them without injury

to the public interest, legislation on the subject might be less necessary; but such was not the fact. At the last session, the House was presented with a large amount of balances due by individuals, and supposed to be lost; and the Message of the President spoke of several millions of suspended accounts. Mr. B. said he had been told that, since the last session of Congress, public officers had gone off the stage of life considerably indebted to the Government—officers, too, in whom the greatest confidence had been placed. This showed, he said, that it was time to change the present system. It was most obvious, if we took the reason of the thing, the history of other countries, or the experience of this, that it was necessary to exercise a more rigorous control over the disbursements of public moneys. It was more than probable, Mr. B. continued, that on the first establishment of this Government, the different State institutions having little connection or sympathy with one another, it was not very easy to transact the fiscal business of the nation, or to carry money from one part of it to the other, &c.; but the Government had been now established for forty years, and every difficulty of that sort had ceased. Could it be right, on the plea of enabling the poor man to be employed in public service, that the public money should be put in jeopardy? It was not necessary, he said, that it should be so, for the moment the Government makes a contract, the contractor has credit to the amount of his contract, and can borrow or buy upon that credit. It was not true, in fact, that advances were necessary, and it could not therefore be right to make them. These, Mr. B. said, were some of the general views which led the committee to prepare the bill now under consideration, and present it to the House. If the bill were to go through the committee, without amendment, he should then, to afford to gentlemen all proper time to consider the subject, move to lay it on the table.

Mr. SMITH, of Maryland, suggested that few of the members had preserved the printed copies of the bill from the last session; and, as the subject was of some magnitude, he thought the members ought to have an opportunity to examine it. He therefore, with this view, moved that the committee should rise.

The committee rose accordingly, and the bill was ordered to be printed.

American Captives among the Indians during the late War.

The next bill in order was the bill reported at the last session, supplementary to the act for the relief of American captives during the late war; and, on motion of Mr. SIBLEY, the House resolved itself into a Committee of the Whole on the subject. The bill was read through.

Mr. SIBLEY briefly stated the object of the bill. After the surrender of Detroit during the late war, and subsequent to the defeat afterwards sustained, in 1818, many persons taken

under our standard were brought captive by the Indians to and through Detroit. The citizens of Detroit, moved at the spectacle, though themselves at the time in a state of vassalage, exerted themselves to relieve the sufferers, and employed in that manner all the money they could raise. These facts were made known to Congress, and an act was passed to reimburse to them the money thus advanced. But the act was of that narrow construction, that it was not at all calculated to give the relief contemplated by it. It required, in the first place, that the persons relieved from captivity should be Americans citizens; which, in the first place, was hardly susceptible of proof, and, if it were, was not material, where the individuals were taken under the American flag. Another requisition of that law was, that written evidence of the amount paid, or a receipt for the ransom money, should be produced, to entitle to relief. Now, Mr. S. said, the money was paid to Indians; and every one must know that they give no receipts for ransoms, and that such a receipt, if given, would be good for nothing, inasmuch as an Indian would as readily give a receipt for ten thousand dollars as for ten. In the agitation, alarm, and hurry of the times, the people did not calculate where or how they were to get their money again, and thought of nothing less than the taking receipts for it, &c. Besides, Mr. S. said, clothing was furnished to the captives, the season being inclement, and they literally naked. For this, also, the citizens of Detroit ought to be remunerated. The claims embraced in this bill, he said, were altogether bottomed on humanity, and he trusted that the patriotic exertions made by the people of Detroit, whilst they themselves were oppressed by the presence of an enemy, would not be disregarded, but that they would at length be repaid the money which they had advanced almost ten years ago.

No other remarks being made on the bill, the committee rose and reported it to the House, and it was ordered to be engrossed and read a third time to-morrow.

TUESDAY, December 10.

Unsettled Accounts.

Mr. Woodcock laid on the table the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House a statement showing the amount of all moneys advanced by Government, on contracts or otherwise, either to agents, sub-agents, contractors, sub-contractors, or to individuals, since the 1st of January, 1816, which have not been accounted for on settlement; and the amount of loss (if any) sustained in each; and whether, in all cases, on the advancement of money, security has been taken, and the names of the sureties.

All resolutions, like this, calling for information, lie upon the table one day of course, by the rules of the House.

Naval Peace Establishment.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows:

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives, of the 7th of May last, requiring that a plan for the Peace Establishment of the Navy of the United States, and also of the Marine Corps, should be communicated to that House at the present session, I transmit a report of the Secretary of the Navy, containing a plan, which has been prepared for the proposed establishment.

JAMES MONROE.

WASHINGTON, December 6, 1822.

NAVY DEPARTMENT, Dec. 2, 1822.

SIR: The Secretary of the Navy, to whom has been referred the resolution of the House of Representatives of the 7th of May last, requesting the President of the United States to cause to be laid before that House a plan for a Peace Establishment of the Navy of the United States, has the honor of submitting the accompanying papers on that subject.

The paper, marked A, is the draft of a bill embracing all the provisions which have been deemed necessary; presuming that a plan presented in this form would best meet the object contemplated by the resolution. It is deemed necessary, in this report, to notice only briefly such parts of the bill as contain new modifications of our Naval Establishment.

The bill, it will be perceived, contemplates the establishment of two new grades of office, viz: commodore and rear admiral. These grades are considered, if not absolutely necessary, at least of very great importance as regards due subordination, and the discipline of the service; and, in recommending the adoption of the provision, I can only repeat what I have had occasion heretofore to urge in support of this measure. The rank of captain is now the highest grade in the navy recognized by law; and during the infancy of our navy, and whilst we had no vessels of a higher class than frigates, and the number of captains small, it was, perhaps, as high a grade as the good of the service required. It is, however, believed that, from the additions both to the number and class of our public vessels, and from what may reasonably be anticipated to be the situation of our navy in the course of a few years, both justice and policy require the establishment of some higher grades. According to the relative rank, as now regulated between the military and naval officers, a captain in the navy only ranks with a colonel in the army. This is thought to be contrary to sound policy and the good of the service. The establishment of the grades contemplated by the bill, will place the relative rank in the army and navy upon a just footing. A commodore will rank with a brigadier-general, and a rear admiral with a major-general. But the more important and substantial benefit, it is believed, growing out of this measure, will be the effect it will have upon the discipline of the service. The importance of rank, both in the military and naval service, will readily occur to all in any degree acquainted with either. In a fleet or squadron, when the different vessels may be commanded by officers of the same grade, and their relative rank, and even that

DECEMBER, 1822.]

Suppression of Piracy.

[H. or R.]

of the commander himself, known only by the dates of their commissions, there will not be that respect and subordination observed that are essential to order and harmony. The additional pay, it is thought, cannot afford any well-founded objection to the measure, if the real benefits confidently believed to result from it are duly appreciated.

Authorizing the appointment of midshipmen, who have been examined and found qualified for promotion, to the duty of sailing-master, would be highly beneficial to the service. By the rules and regulations, sailing-masters are not considered in the line of promotion, and have not, of course, so strong inducements to remain permanently attached to the service, as officers who have this prospect before them; and whenever more profitable employment in the merchant service is presented, they will generally accept of it.

The number of lieutenants is already so great that the prospect of promotion of midshipmen is not very promising. To employ examined midshipmen as sailing-masters, would be giving them some little distinction, and affording them an opportunity of improving themselves for the higher and more important duties of the service.

In most of the classes of commissioned officers, the number fixed by the bill embraces all at present in office, and where that is not the case, it is provided that none shall be discharged but the number reduced to that contemplated in the bill, by omitting to fill the vacancies as they may occur. This, it is thought, is no more than justice requires; and, as the number thus retained is but small, the expense will be inconsiderable, and will soon entirely cease.

The increased pay provided for some few of the officers attached to ships-of-the-line and frigates, while in actual service, is recommended by considerations of justice, and the good of the service. To perform the duties required of these officers on board the largest ships involves far more responsibility, and requires not only greater professional knowledge and experience, but much more labor; these, or similar distinctions, are recognized in every well-regulated service; and as but a small number of our largest vessels are kept in service in time of peace, the additional expense will be of no great amount.

It has been considered a more simple mode of payment, and less liable to abuse, to allow fixed salaries to the officers stationed at the several navy yards and naval stations, than as now provided by law by monthly pay and rations.

That part of the bill which makes the marine guard, detailed for the protection of navy yards, subject to the orders of the commandant of the yard, is deemed essential for the preservation of order and harmony. The difficulties which have occurred under the present regulations on that subject, suggest the necessity of some alteration; and no well-founded objection is perceived to placing this guard under the immediate orders of the commandant of the yard, in the same manner as the marine guard is placed on ship-board under the orders of the captain.

The exhibits accompanying this bill will serve to show the applicability of its provisions to our present Naval Establishment, and the comparative expense between it and the one contemplated by the bill.

Paper B is an exhibit showing the number of commissioned and warrant officers required to officer certain ships, and vessels, and navy yards.

Paper C is an exhibit showing the petty officers,

able seamen, ordinary seamen, and boys, required for the vessels of war in active service.

Paper D is an exhibit showing the whole number of commission and warrant officers required for the Navy of the United States, when the ships-of-the-line, frigates, and steam-batteries, directed by the "act for the gradual increase of the navy," shall be completed.

Paper E is an estimate of the annual expense of the officers of the navy, proposed by the bill, including the organization of the navy yards, and a comparative view between the present expense and that proposed.

By which last exhibit it will be seen that the annual expense of the officers of the navy will be reduced about ninety thousand dollars below the estimates necessary under the existing establishment.

A Peace Establishment for the marine corps having been fixed by the act of the 3d of March, 1817, and no material alteration being deemed necessary, no other plan has been prepared to accompany this report.

Although, perhaps, not falling strictly within the scope of the resolution, yet the present affords a fit opportunity of respectfully suggesting the importance of establishing a Naval Academy for the instruction of our young officers in the sciences connected with their profession. As this is intended as a mere suggestion of a measure deserving consideration, I have not thought proper to present any plan for carrying it into effect. This may be done hereafter, should the measure meet with a favorable reception; nor is it deemed fit for me, at this time, to urge the many considerations which will readily occur to all liberal and enlightened minds in favor of such an institution.

All which is respectfully submitted,

SMITH THOMPSON.

The PRESIDENT of the U. S.

A motion was made by Mr. Russ, to lay the Message on the table, and print it.

Mr. COOKE hoped it would not be laid on the table, but that it would be referred to the Naval Committee, there to undergo the proper investigation, and to be reported upon.

Mr. Russ withdrawing his motion, the Message was referred to the Committee on Naval Affairs.

Suppression of Piracy.

Mr. CONDIOT, of New Jersey, rose to make a motion. In the Message of the President to both Houses of Congress, at the opening of the session, he said, a very brief allusion was made to piracies, committed in the West Indies. All that was said on that subject, is comprised in a short paragraph, which Mr. O. read. Intelligence has been recently received, and probably since that part of the Message was penned, of transactions, so flagrant and outrageous in their character, as to call, imperiously, for the early and efficient interposition of this House. The premature death of the gallant and lamented Allen, has excited a spirit of indignation throughout our country, unequalled since the late war. It calls loudly for retributive justice upon those lawless barbarians; and I hope to see, with as little delay as practicable, a com-

H. OF R.]

Presentation of Medals to Congress.

[DECEMBER, 1822.]

petent force, at the disposal of the Executive, under some one of the most experienced naval officers, with ample powers and instructions to ferret them out of their lurking holes, and to drag them to a certain and speedy punishment. A speedy punishment, because I have no idea of incurring the delay, or the hazard, of transporting them here, or of extending to them a trial by jury, with all the delays incident to our courts of justice. They have placed themselves beyond the protection of the laws of civilized society; they have set at open defiance the laws of God and man; their hand is against every man, and every man's hand should combine against them. And the most effectual restraint which you can impose upon their barbarities, is to furnish to them the spectacle of a few dozen of their leaders suspended by the halter, from the yard-arms of some of our public ships. Deeming it expedient that Congress should, at an early period, adopt some decisive measures on this subject, I submit the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire, and report as early as may be, what further measures are necessary, not only for the more efficient protection of our commerce in the West India seas from piracy; but for the entire extirpation of those freebooters, and the punishment of those who may be found to aid and abet them.

Piratical Outrages in the West Indies—Death of Lieutenant Allen.

On motion of Mr. JOHNSON, the resolution moved by Mr. CONDIOT, was ordered to lie on the table; and the Message of the PRESIDENT was read, as follows:

To the House of Representatives of the United States:

Recent information of the multiplied outrages and depredations which have been committed on our seamen and commerce by the pirates in the West Indies and Gulf of Mexico, exemplified by the death of a very meritorious officer, seems to call for some prompt and decisive measures on the part of the Government. All the public vessels adapted to that service, which can be spared from other indispensable duties, are already employed in it; but, from the knowledge which has been acquired of the places from whence those outlaws issue, and to which they escape from danger, it appears that it will require a particular kind of force, capable of pursuing them into the shallow waters to which they retire, effectually to suppress them. I submit to the consideration of Congress, the propriety of organizing such a force for that important object.

JAMES MONROE.

WASHINGTON, December 6, 1822.

The said Message was referred to the Committee on Naval Affairs.

WEDNESDAY, December 11.

Several other members, to wit: from New York, ELIJAH SPENCER; from Virginia, WIL-

LIAM LEE BALL; and from Georgia, ALFRED OUTHBERT, and ROBERT RAYMOND REID, appeared, and took their seats.

A new member, to wit, from South Carolina, JOHN CARTER, elected to supply the vacancy occasioned by the resignation of James Blair, appeared, was qualified, and took his seat.

Hostile Expeditions from the United States against Countries at Peace with the United States.

Mr. GOLDEN submitted the following resolution, viz:

Resolved, That the President of the United States be requested to lay before this House such information as he may possess with regard to any hostile expedition which may have been prepared in the United States, and sailed from thence, within the present year, against the territory or dependency of any power in amity with the United States; and to inform this House whether any measures have been taken to bring to condign punishment the persons who may have been concerned in such expedition, contrary to the laws of the United States.

The resolution was ordered to lie on the table one day.

THURSDAY, December 12.

Presentation of Medals to Congress.

The SPEAKER also laid before the House the following letter:

Boston, July 4, 1822.

To the Hon. the SPEAKER of the House of Reps.

SIR: The letter which I had the honor to address to you on the 4th July, 1819, and which Mr. Lowndes was so obliging as to take charge of and deliver, was intended to have been accompanied by the collection of medals therein referred to; but this was unfortunately lost on board the ship Factor, bound to New York, of which accident it appears that the House was duly informed by its committee. As soon as I heard of it, I endeavored to procure a duplicate of the collection, and succeeded a few days before I left Paris, in April last. This, together with the medals which have been struck at Paris, to commemorate some principal events of, and men distinguished in, our Revolution, I take the liberty through you, sir, of herewith sending and offering to Congress, for the use of the National Library.

With sentiments of the highest respect, &c.

GEORGE W. ERVING.

P. S.—A printed catalogue of the French medals proper is enclosed in the case which contains them.

The American medals are but five proper, viz:

One of General Washington, at the siege of Boston;

One of Doctor Franklin;

One of Paul Jones; and

Two of the battle of the Cowpens.

To these I have thought it well to add Columbus and Kosciuszko, taken from the collection of illustrious men, deceased, now publishing in the French Mint.

The letter was, on motion of Mr. PLUMER,

DECEMBER, 1823.]

Lawless Expedition against Porto Rico.

[H. OF R.]

of New Hampshire, referred to the Library Committee.

Disbursement of Public Money.

On motion of Mr. BASSETT, the House again resolved itself into a Committee of the Whole, on the bill for imposing more rigorous checks on the disbursement of public money.

On motion of Mr. BASSETT, the bill was amended by adding to it the following, as a new section :

SEC. 4. *Be it further enacted*, That no security given to, or obligation entered into, with the Government, shall be in any wise impaired by the dismissing any officer, or from failure of the President to dismiss any officer, coming under the provisions of this act.

Another slight amendment being made—

The committee rose, and reported the bill; and, on motion of Mr. BASSETT, who did not wish to precipitate the bill through the House, the consideration of the report was for the present deferred.

Lawless Expedition against Porto Rico.

The House then resumed the consideration of the following resolution, yesterday submitted by Mr. COLDEN :

Resolved, That the President of the United States be requested to lay before this House such information as he may possess with regard to any hostile expedition which may have been prepared in the United States, and sailed from thence, within the present year, against the territory or dependency of any power in amity with the United States, and to inform this House whether any measures have been taken to bring to condign punishment persons who may have been concerned in such expedition, contrary to the laws of the United States.

Mr. LITTLE moved to strike out all that part of the resolution which follows the word "States," in the 7th line, and in lieu thereof insert the following :

"And inform this House what amendments to the existing laws are necessary to punish persons who may have been concerned in any such expedition."

Mr. COLDEN said he had no objection to this amendment, as he understood it, though for his own part he believed that the existing laws were competent to the purpose of punishing this offence against the public peace. It was punishable, by law, by imprisonment not exceeding three years, and also by fine. It appeared proper, Mr. C. said, that he should ask the attention of the House for a few minutes, whilst he explained the considerations which had induced him to propose this resolution. It was well understood, he presumed, that it had reference to an expedition, said to have been fitted out from our ports against the dependency of a country with which we are in amity—he meant the expedition against the Island of Porto Rico. Although we have no further information on the subject than what is derived from the newspapers, he believed the information was of that sort to justify the proposition now on the table.

In regard to this subject, Mr. C. said there had been various reports. It had been stated that a considerable hostile expedition had been fitted out from our shores—partly, it was said, from the port of Philadelphia; in part from the port of Baltimore, and in part from New York. The accounts of it were contradictory, but all agreed in this: that such an expedition had departed from this country. It appeared to him there were some considerations connected with this expedition, which deserved the consideration of the House. It must be recollected by all, that, not long since, the United States had taken possession of one of the dependencies of this very power, viz., Amelia Island. Our justification for doing so, was, that it was a harbor for pirates, or a place where expeditions were fitted out without the interference of the Government of Spain to prevent it. It was not long since, moreover, we had made applications to Spain and to her colonial government of Cuba, remonstrating to that power, that she had not done her duty to us and to the world, inasmuch as she has not restrained the enterprises of individuals from her ports; and it was a remarkable circumstance, that at the very time this expedition was fitted out to wrest from the mother country this dependency of Porto Rico, we had a negotiator there remonstrating with the Governor of that dependency in strong terms, but with a courtesy and propriety of manner which did honor to the naval character, (Captain Spence,) who conducted the negotiation, against the unlawful expeditions fitted from that port to cruise on the high seas. Another singular circumstance, Mr. C. said, was worth notice: that one of the persons at the head of this hostile expedition, he who signed his name as Secretary of State, was a gentleman who, not very long ago, was diplomatic agent of this Government to the territories of that Government to which Porto Rico was a dependency. Mr. C. said it was not his intention, by this resolution, to cast censure on any one. We do know, said he, that expeditions may be fitted out from our ports without our Government having knowledge of the fact, or the means of preventing it. It was quite probable the President might answer, to this resolution, that he had no information on the subject; or, if he did not, he might tell the House that he has directed the proper officers to investigate the transaction in question. In either case, Mr. C. said, he should be satisfied. His great object was to show to other nations that, while we demand justice from them, we are not indifferent to the conduct of our own citizens.

Mr. LITTLE said his reason for proposing any amendment to this resolution was, that he felt no disposition to give his assent to a resolution which called in question the conduct of the Executive of the country in relation to an alleged violation of existing laws. He did not feel himself justified in voting for a declaration, in effect, that the proper authorities have refused

or neglected to execute the laws of the Union. His amendment was drawn up in haste, on the suggestion of the moment, and certainly not with the most distant idea of passing *ex post facto* laws. His object was, to devise laws to punish offences of this description that may be hereafter committed, if such laws do not now exist. If the gentleman would consent to strike out the latter clause, Mr. L. said he would waive his proposed amendment, leaving the question of law to be examined by the proper committees of this House.

Mr. L. then withdrew his amendment and moved to strike out the latter clause of the resolve, without proposing to substitute any thing for it.

Mr. COOKE said he hoped the House would not agree to strike out the latter clause of the resolution. It only proposed to inquire of the President whether any measures had been taken by the Government to bring to punishment the persons, if any, who have been concerned in fitting out an expedition from our ports. If the President has been apprised of prosecutions having been set on foot against those persons, it will be necessary for this House to proceed further. But, suppose it should not be so, and the President should tell the House he had received no information to justify a prosecution; the subject would then be fairly before the House, and it would take such measures to punish those who shall be guilty of violations of public peace as it should deem necessary. For his part, Mr. C. said, he could not perceive in this resolution any imputations against anybody. All that was asked for was information.

There was no imputation whatever against the President in the clause proposed to be stricken out; and he hoped the House would retain it and get all the information on the subject which the resolution calls for.

Mr. WRIGHT did not approve of the idea of calling on the President to know what laws were to be passed, or what prosecutions had been instituted, in regard to this or any other matter. The proper course, he thought, would be, to refer these inquiries to the Judiciary Committee. It was the duty of this House to know what the laws of the country are, and not to go to the President for information on that head. Besides, to refer an inquiry of this sort to the Executive would be to blend and confound its duties with those of the Judiciary. Mr. W. protested against the idea of passing laws to punish those who have committed crimes not heretofore provided for. Every heart must revolt, he said, against a proposition of that sort. Even the Supreme Being would not inflict punishment for the disobedience of his laws, if he had not previously communicated it. No law can be violated which has not pre-existed and been divulged. With regard to the description of offences against the laws of nations embraced in this resolution, Mr. W. said we had gone further in our provisions to prevent and punish them than any other nation in

the world. We feel as much indignation at them as any other people on earth, and we have gone as far to show it. The presumption, Mr. W. said, was that the Executive had done his duty in this matter; and the House could find employment enough in the discharge of its own duty, without calling on the Executive to ask him whether he has done his duty. The presumption was, that the Executive had done its duty, and the House had no right, without information to that effect, to suppose otherwise.

Mr. LITTLE added a few words in favor of his motion to strike out the latter clause of the resolution; when the question was taken on his motion, and decided in the negative.

The question was then taken on agreeing to the resolution in its original shape, and decided in the affirmative, by a large majority.

FRIDAY, December 13.

Mr. BAYLY, from Maryland, appeared, and took his seat.

Suppression of Piracy.

The House then resolved itself into a Committee of the Whole on the state of the Union, and took up the following bill, being that reported this day by the Committee on Naval Affairs.

An Act authorizing an additional naval force for the suppression of piracy.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and he hereby is, authorized to purchase or construct a sufficient number of vessels in addition to those now employed, of such burden and construction as he may deem necessary, and to fit, equip, and man the same for immediate service, for the purpose of repressing piracy, and of affording effectual protection to the citizens and commerce of the United States in the Gulf of Mexico, and the seas and territories adjacent.

SEC. 2. *And be it further enacted,* That the sum of — dollars be appropriated to meet the expenditure to be incurred as aforesaid, and paid out of any money in the Treasury, not otherwise appropriated.

Mr. FULLER presented a letter from the Secretary of the Navy, embracing the details of force necessary to be provided, and an estimate of the cost thereof, which was read. In conformity to the suggestions contained in that document, and to the opinion of the Naval Committee, Mr. F. moved to fill the blank in the bill with the sum of \$160,000—declining to urge any arguments in support of the measure itself, as not considering them necessary.

The motion to fill the blank was agreed to. Mr. FLOYD, of Virginia, then rose, and moved to strike out of the bill the words "purchase or," so as to require the vessels therein mentioned to be built, and not purchased. If we are to embark in schemes for spending the three or four millions in the Treasury, Mr. F. said he should prefer that the objects of the expenditure should be such as were worthy of it. He

DECEMBER, 1832.]

Suppression of Piracy.

[H. OF R.]

was opposed to making this appropriation for purchasing the refuse commodities of unprofitable traders—those schooners and steamboats, referred to in the letter of the Secretary just read. The mania for steamboats prevailed for a while, but the paper mania had ruined that, and there were abundance of steamboats now to sell. If any vessels were to be procured, he wished they might be such as should be permanently useful, and not such as, according to the suggestion in the Secretary's letter, might be sold after the cut-throats of Matanzas were disposed of. Mr. F. assigned some grounds on which he placed little faith in estimates of the description now presented to the House.

Mr. FULLER said, if the question was between purchasing and building vessels, and the one could be done in any thing like the same time as the other, he should agree with the gentleman in preferring the construction to the purchase of them. Vessels constructed for the purpose might, however, be as indifferent as any that could be purchased; and it was quite likely to be the case if they should be constructed in haste. If the gentleman meant to give six or eight or ten months' time to their construction, and in the mean time let the pirates have their way, (and such must be the consequence of the success of this motion,) Mr. F. was wholly averse to it. If the vessels were to be built suddenly, of green timber, they would be worse than any that were likely to be purchased. The service for which they were intended would be a short one; and, if the vessels escaped out of it, they would be so little deteriorated as to sell for nearly or quite as much as they would cost; and it might be an argument in favor of this plan, at least with the gentlemen who are very fond of economy, that no great loss would be sustained by the employment of this additional force. Mr. F. did not believe with Mr. FLOYD in the existence, now or heretofore, of a steamboat mania. They were almost the only objects presenting an opportunity for the exercise of the spirit of speculation, on which there had not been a mania. He was convinced that, on this subject, not only this House, but the whole nation, was in possession of its sober senses, and that a beneficial use would be made of the agency of steam under this bill, which, however, would be passed to little purpose, if, before pursuing the pirates, time were taken to build vessels for the purpose.

Mr. SMITH, of Maryland, said he did not understand his honorable friend from Virginia as opposing the measures necessary to put an end to piracy, but as suggesting that it would be better to build the vessels than to purchase them. Mr. S. believed that the power of purchasing these vessels ought to be given to the Executive. He believed that vessels could be bought for this service as fit for it as if built for the purpose—such vessels as were constantly building within the Chesapeake Bay—such as are captured by the pirates themselves and converted to their use. There were no vessels of their class

superior to this description of vessels which are built for sale on the waters of the Chesapeake. The object of the bill, he thought, would be better answered by leaving to the Executive the right of purchasing these vessels, and he hoped, that, by an exertion of this right, such a force would be speedily organized as completely to suppress piracies.

Mr. TAYLOR, of New York, said that the tragedy so recently acted in the West Indies furnished to his mind a conclusive argument against the amendment proposed by the gentleman from Virginia. He assented to the general proposition that it is better to build than to purchase vessels of war of every class. The experience and professional skill of those distinguished officers who fill the place of commissioners of the Navy Board with so much honor to themselves and advantage to the nation, were appreciated by none more highly than by him. On all occasions when imperious necessity did not forbid, he should advocate the propriety of having our national vessels constructed under their superintendence. But, in our present exigency, said Mr. TAYLOR, we cannot wait the slow process of construction. We have no time to lose. Piracies are multiplied to an alarming degree. It is to the disgrace of civilized nations that they have been perpetrated so long, so wantonly, and under the eye of constituted authorities. Public feeling at length is aroused. But it required an invaluable sacrifice to effect it. The shade of the brave departed ALLEN invokes immediate protection for our defenceless seamen. This youthful hero is laid in his grave, distant, far distant from his native land, and from the protecting roof which filial piety had afforded to his now disconsolate friends. He was slain by ignoble hands, but he fell in a glorious cause. Humanity weeps over the tomb of her champion, and demands of his murderers an awful retribution. He poured out his life in conflict against the foe of God and man, and the voice of God and man cry for speedy vengeance. Let us, in justice to public feeling, which in every portion of our country is deep and indignant against the inhuman, the unrelenting cruelties of the pirates in the West Indies, promptly organize a force adequate to their total extermination. Temporizing measures would enhance the evil; they would invite to the perpetration of new atrocities, while another—another—and yet another brave seaman would be laid by the side of the lamented Allen. Mr. T., in conclusion, expressed a hope that the gentleman from Virginia would consent to withdraw his amendment.

Mr. EVERTS said he was well aware that it was desirable that this bill should pass without any improper delay; but it was more desirable that no bill should pass this House without the deliberate consideration due to it. He did not know that the doubt in his mind as to an expression in that bill was well founded, but it was of such a nature as to make it necessary for him to call the attention of the House to it. He alluded to the expression in the bill alluding to

the West India seas "and territories adjacent." He doubted for himself, whether piracy could effectually be put an end to without giving authority to our naval officers to pursue the pirates on the land, and there make them prisoners. He did not know but such a provision was necessary; but, if so, it was proper that the House should know that such an authority was given. This bill, it appeared to him, went to authorize any hostile operations necessary to accomplish the object of the suppression of piracy. He had been one of those who was in favor of passing a bill even to that extent; but he had his doubts whether this House was ready to invest the Executive with a power amounting to that of making war. He supposed cases which might arise under this bill. Our officers might pursue pirates into the Island of Cuba, and the Spanish authorities might resist them. Here was at once the commencement of hostilities between us and Spain. He did not know whether it was not worth the hazard of a war to authorize our officers to enter the territories of other powers in search of pirates. The power which he supposed to be conveyed by the bill was one which he had no doubt the Executive, and even our Navy officers would exercise with discretion; but it was one which ought to be reflected upon well before it was given. The same argument might be drawn from the supposed entry of a British Island as of a Spanish territory. He did not rise to make a motion, but to suggest a doubt; and if that doubt were confined to himself, he should not object to the bill as it stood.

Mr. FULLER said the committee which reported the bill, aware that there might be a difficulty on this point, had not reported a bill to authorize even the pursuing the pirates on the land, much less the entering the territories of foreign powers to search for them. The bill was simply intended to provide for the suppression of piracy and the protection of commerce; and there was nothing in it which could by possibility warrant the construction that it was to give authority to the Executive to seek for pirates in the territories of foreign powers. The question with regard to the law of nations on this subject, it was not necessary here to discuss; but Mr. F. confessed that he had entertained the opinion, that if an officer should find pirates escaping from his pursuit to a territory of a foreign power, he might have a right to pursue them into the actual (not nominal) jurisdiction of that power. Whether that was the law or not, this bill conferred no authority whatever on the subject. It was a question, the decision of which must depend on the laws of nations. On this point he had no doubt such instructions would be given by the Executive to our cruisers as would completely guard the amicable relations between the United States and foreign countries. This bill would not have the least tendency towards a different course of proceeding.

Mr. Everts said he did not understand, that, according to the law of nations, any one power

has a right to make war on the territory of a neutral, for any purpose whatever. Every nation has a right to pursue pirates on the high seas, but Mr. E. very much doubted whether the officers of one nation had a right to enter the jurisdictional limits of another country for any purpose whatever. We have a right to execute our own laws but not to undertake to make or execute laws for another country. The power to pursue pirates into the territories of another nation was a very broad one: it was in fact a power to make war. If the bill were to pass in this shape, not only would the Executive and its officers feel disposed to fulfil the wishes of the Legislature, but they would be bound to do it. He did not wish to be considered as making unnecessary objections; but it appeared to him that Congress could not, consistently with the laws of nations, confer the power which this bill appeared to him to give.

Mr. A. SMYTH, of Virginia, proposed an amendment, to constitute the third section of the bill, in the following words:

"And be it further enacted, That the President be, and he is hereby, authorized and required, to pursue the pirates by land on any of the West India Islands to which they may resort, as well as on the ocean, until they are exterminated."

Mr. S. said, as the power of doing this was doubted by the gentleman from Massachusetts, he thought it essentially necessary that the question as to the power should be met and decided here. He trusted Congress would not pass a law in which the duty of the Executive was undefined, so as to throw the responsibility from themselves upon the Executive. If any responsibility is to be borne in respect to this matter, Mr. S. said, let it fall here. He proposed by his amendment, not only that the Executive should have the power, but that it should be its duty, to pursue the pirates wherever they may retreat. Pirates are to be considered as the enemies of all mankind; all nations should be considered as allies against them, and we should be considered as allies of all other powers in pursuing the pirates in the West Indian seas. But, whether we were considered so or not, it is lawful, even in national war, where an enemy passes into a neutral territory, to pursue that enemy thither. Every nation, moreover, has a right to put down piracy. If we have a right to exterminate the pirates we have a right to adopt the necessary means to accomplish the object, which cannot be effected without our allowing our Navy to go further than the gentleman from Massachusetts proposed. That gentleman would confine its operations to the ocean. According to that strictness of limitation, our officers are not to enter a bay or creek to pursue the pirates. Foreign nations, Mr. S. said, act too much by reason to take exceptions to our measures. But, said he, let us give a direct sanction to the necessary measures; let this amendment be adopted, that it may be understood the pirates are to be pursued until they are entirely destroyed, wherever found.

DECEMBER, 1822.]

Suppression of Piracy.

[H. OF R.]

Mr. McLANE, of Delaware, felt as strongly as any one the necessity of effectual measures for the suppression of piracy; but we ought in concerting our measures for that purpose, to be at least persuaded that they are calculated to effect the object in view, and not to involve us in more serious difficulties. By the amendment now proposed to this bill, the utmost scope is given—no limit is opposed to the power of the Government to authorize our cruisers to pursue pirates, or supposed pirates, wherever they please; and they may invade, at pleasure, the dominions of a friendly power in pursuit of any whom they may suppose to be pirates. We have not the right, said Mr. McL., on any principle of the laws of nations with which I am acquainted, to adopt such a provision. Nor is it necessary for the object in view that we should adopt any such provision. In framing our laws, we ought to have regard to the laws of nations, by which we ourselves profess to be governed in our conduct towards other nations, and by which we insist that other nations shall be governed in their conduct towards us. We have no right to pursue even a pirate into the territory of a neutral or friendly power, until that power has refused to interpose or is incompetent by reason of its own imbecility to prevent and punish the crime. Has this House any information that the Government of Spain has refused its aid to suppress these piracies, or that she is incompetent to do it? We have no such information, nor any on which we could ground such a measure as that which is proposed by the amendment; and if we were to pursue pirates on her territory, the result would be an immediate complaint of such invasion of her territorial rights. And what answer could we return to such complaint? Could we say that the Government of Spain was unable or unwilling to interpose its aid to prevent the recurrence of such piracies? We could not, because on that point we have no information. But, was it necessary for our purpose, to pursue these pirates on the land? Was it not almost certain they might be put down without our doing so? The documents upon the table state the opinion of the Executive and of the Navy Department to be explicitly that this object may be accomplished in the course of a few months, without any such desperate and dangerous remedy as is contained in this amendment, which it would be time enough to consider when its consideration was forced upon us by the necessity of the case. Let us, said he, give the Executive this appropriation. Let us enable it to send out this force, and after it has been employed promptly and to the utmost extent of its capacity—if, after the Executive has used every means in its hands, we find these pirates cannot be exterminated, let us remonstrate and call on the Spanish Government to expel them from its coasts and territories. If, after this, the Spanish Government refuses or is unable to do its duty, then I will go with the gentleman. But, Mr. McL. said, until it is de-

monstrated that our means proposed to be applied to this object are insufficient, he could not agree to a proposition which seemed to be fraught with so much evil as the proposed amendment.

Mr. CAMBRELENG, of New York, said there seemed to be a fatality in every thing connected with these pirates. When our vessels capture them, ill-timed clemency saves them from the gallows; and when we capture vessels which are to all intents pirates, they make their escape from a just fate through the sinuosities of the law. Now we have a bill before us, for putting an end to piracy, which calls for prompt action, and its progress is impeded by needless propositions for amendment. This bill, Mr. C. said, did not call for any land force to take possession of any territory, nor were we now required to discuss any question of national law. This bill does not authorize the President to send a land force to pursue the pirates and break up their establishments. Whenever that great question comes up, it will be time enough to discuss it. At present, however, he hoped gentlemen would throw no needless impediment in the way of this bill. He should himself vote against this amendment, or any other resembling it. He liked the bill as it was; and he hoped our officers when in pursuit of those pirates, would not pause at an imaginary line. He hoped, he said, that the pursuit of the pirates would not involve us in war; but, if war must be the consequence, he hoped every member of this House was prepared to abide by it. He hoped the bill would pass, and that the questions of law which do not belong to it would be deferred to a future day.

Mr. BARBOUR (the Speaker) was equally opposed to the amendment as now modified and as originally proposed. If, he said, the House were now legislating on a subject on which it had complete power unconnected with national law, they might give to it what direction they pleased. But the power of any nation in relation to pirates depends on the doctrines of the law of nations. We cannot, therefore, said Mr. B., by legislating here, impart any power to the Executive in regard to this subject beyond what is authorized by the law of nations. He put this question to the House: The President is Commander-in-Chief of the Army and Navy of the United States; in the execution of any duty in which he is to call the Army and Navy into action, he is to act according to his legitimate power. If the subject be one on which the legislation of Congress is binding, he will follow the law. If the subject be one upon which the law of nations prescribes the rule of conduct, he will follow that. Without this House, then, deciding the question of the law of nations, it is sufficient for us that the Executive has the question to decide, and that it is one on which this House ought not to attempt a decision. With regard to the idea of pirates being the enemies of the human race, there could be no doubt of it, and on the great highway of nations we have a right to take them and deal

H. OF R.]

Suppression of Piracy.

[DECEMBER, 1822.]

with them as we please. But it was another question how far we have a right to pursue them on the territory of another and a friendly power. As to the idea of all nations being allies on such an occasion, the gentleman should recollect that there are no allies until the parties have determined to make war together. All nations have a right to make war; but whether they will actually engage in it is a question for every nation to determine for itself. The argument of his colleague was, therefore, Mr. B. said, in this particular, founded on a presumption which did not exist. Without having referred to the books on this subject, Mr. B. expressed his opinion to be, that we have not a right to enter into the territory of any neutral power to suppress piracy, at least until it is ascertained that such nation has consented to our doing so. Whatever rule we apply, it ought to be recollected, may of right be reciprocated upon us; and he asked the gentleman whether he would allow any foreign power to land troops on our shores, or march through our country, on the plea of seeking for pirates? Mr. B. concluded by expressing generally his decided objection to the amendment.

Mr. AROHER, of Virginia, objected to all parts of the amendment. He objected to it on several grounds; among which, one was, that it proposed in effect to divest Congress and to give to the Executive the power to make war. Nor was this all. No nation, though having just cause of war, has a right to make war, until the grounds of the war have been submitted to the adversary power, and the demand for reparation of the injury has been found unavailing. This amendment, however, said Mr. A., goes to give the Executive the power to make war in a case, in which even we, the Representatives of the people, could not have the power. From mere wantonness, or volition of any officer, under the amendment, war might be made on the territories of Spain or any other power. There is no such power even in us, said he; no such power could be given to us by the people whom we represent, and we could not confer such a power. We have been told, by recent advices from Europe, that application has been made by the British Government to that of Spain for the very permission to pursue the pirates which is contemplated by this amendment. Now, Mr. A. put it to this House, whether it would not only give power to the Executive to make war upon a foreign nation, but also authority to depute that power, whether it would do so, without any necessity whatever, when we know too that permission has been obtained by another power, from that foreign power, to pursue the pirates on its territory, and may be obtained for this Government also, if desired. The amendment he considered, therefore, to be not only inconsistent with the principles of public law, but with the necessity in which we are placed at this time, &c.

Mr. COLDEN said, referring to Mr. EVERTS's suggestion, that as he understood the bill, no

power was proposed to be communicated by it to the Executive which the Executive does not possess—not power which he is not in the exercise of as an authority derived, not from this House, but from the law of nations. Mr. C. adverted to the phraseology of the bill: the only thing which looked like giving power was that sentence which defines the purposes for which the force about to be created is to be employed. Did this enlarge the powers of the Executive? Surely not. Whence was derived the power which was now exercised by the Executive in regard to piracy. There has been no law passed by Congress defining piracy: it is under the law of nations that we pursue and capture pirates. Under this law it is not necessary that we should be on land to be in the territory of another power. We are in his territory when within the limits which define the extent of his jurisdiction over the sea, viz: the distance of cannon shot (or three miles) from the shore. By the use of the word "territories," therefore, no power was intended to be given by this bill. The President will exercise the same power, after the passage of this bill, that he does now, and to the same degree, under the law of nations. Mr. C. then directed his attention to the amendment which was now before the House. It proposed to extend the power of the Executive beyond the law of nations, and would be so far nugatory. Was it possible such a right could exist as was there assumed? Our own feelings tell us, said he, that this right can be no part of the law of nations. That law is founded on the common feeling and the common consent of all mankind; and it would be at once acknowledged on reflection, that there could be no common feeling or common consent in favor of such a provision. You cannot pursue a pirate on the inhabited territory or in the towns or fortifications of another power; but still, said Mr. C., I do not believe the law of nations ties up the hands of those who are in pursuit of these common depredators, so that the moment they put their foot on the territory of a nation in amity with us, we must cease to follow them. Whatever is the power in this respect, however, the President now possesses it under the law of nations. The modification of the amendment, Mr. C. considered worse than the original amendment, because, by that, if he was right, an unjust limit was proposed to be set to the power of the Executive; for it would be easily conceived that, if it was made the duty of the cruising officer to ask the permission there referred to, there would be no such thing as giving effect to the armament about to be fitted out. Mr. C. supposed cases to show, without theorizing, its practical effect. The true line of right in this case, was so plain, it might be said to be written by the finger of God on the hearts of men, and might be thus rendered: You shall not pursue these pirates on my territory where I have a force sufficient to correct them; by doing so, you violate my rights; but when the

DECEMBER, 1822.]

Reward for Capturing Pirates.

[H. OF R.]

depredator flies into that part of my territory where I cannot exercise authority, you may pursue him. So that, if the pirates land on one of the keys in the West Indies, can any one doubt our right to pursue them, whoever claims dominion of the naked soil? The simple object of this bill was, to put into the hands of the Executive the means of executing the laws of nations with regard to pirates, and he hoped it would pass without amendment.

Mr. TREMBLE, of Kentucky, said he did not know but he should be disposed to legislate to the utmost verge of the powers of this House for the suppression of piracy; but he was not perfectly satisfied what that verge was, or that this committee was at this moment well advised of it. He thought himself that the character of the country was concerned in the passage of any legislative act which may in itself violate national law. He did not say that any proposition now before the House did so. He was ready to vote for the bill as it stood; but he thought it advisable that more time should be taken to consider its provisions—that it might be voted upon on Monday with more fixed opinions than gentlemen appeared now to entertain. The law of nations, he said, was not very occult; but whilst gentlemen learned in the law had, in this debate, differed in opinion as to what the law is, was it not due to the character of the House and the nation to take care, whilst legislating to the very verge of its powers, they did not go beyond that point. He proposed, therefore, that the committee should rise.

The bill was then reported to the House in its original form (as given in the beginning of the debate) and was ordered to be engrossed and read a third time.

It was accordingly read a third time, passed without a division, and ordered to be sent to the Senate for concurrence.

Adjourned to Monday.

MONDAY, December 16.

Another member, to wit, from Pennsylvania, Mr. BUCHANAN, appeared, and took his seat.

Lieutenant Pierce.

Mr. FARRELY submitted the following motion for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the propriety of making some provision for the support of the widow and child of Lieutenant George Pierce, of the United States Navy, who lately died of the yellow fever, contracted on board of the frigate *Macedonia*, when in the service of his country.

Mr. FARRELY accompanied this motion with a few observations. It was, he conceived, of a nature analogous to that adopted the other day, proposing to provide for the support of the mother of the late Lieutenant Allen. It was true, he said, that Lieutenant Pierce did not fall in battle, but he lost his life in the service of his country, pursuing the common enemy of all nations into a pestilential climate. Mr. F.

said it was his fortune to know Lieutenant Pierce when on service at Erie, where he was distinguished for the strictness of his discipline, and for every trait which distinguishes a gentleman, which endeared him to all who knew him. His wife (whom he married at Erie) and his child were now, he understood, in Virginia, without even means of returning to the place of her nativity. Mr. F. said he could not see any thing in the circumstances of this case, which made the duty to provide for the family of the deceased less incumbent than it would have been had he fallen by the hands of the robbers whom he was in pursuit of, in which case, by the existing provisions of our laws, his family would have been entitled to a pension, &c.

The question was taken, without further debate, on agreeing to the resolution, and decided in the affirmative by a small majority—57 votes to 54.

TUESDAY, December 17.

Reward for Capturing Pirates.

Mr. COLDEN presented a memorial of Lawrence Kearney, commander of the United States brig of war "*Enterprise*," on behalf of himself, the officers, and crew, of said brig, setting forth, that, in execution of the orders of the Navy Department, he captured in the month of October, 1821, five piratical vessels, with two of their prizes; that he destroyed two of the piratical vessels, and with the remaining three and the two prizes arrived in the port of Charleston, in South Carolina, where the former were libelled for condemnation, and the latter for salvage; that the condemnation took place, and the claim for salvage was allowed, but that the costs of prosecution were so enormous as to amount to upwards of seven hundred dollars more than was received for the sale of the prizes, which deficiency he has been compelled to pay; and that the costs of prosecuting the claim for salvage amount to almost as much as the proceeds of said claim, leaving but a small balance to be distributed among his crew as prize-money; that the merchandise libelled for salvage paid upwards of nine thousand dollars duties into the Treasury, and praying that such part of said duties may be refunded as will make a reasonable compensation to himself, his officers, and crew, for the risk and trouble they have had in the capture aforesaid.—Referred to the Committee on Naval Affairs.

Resignation of Gen. Samuel Smith, of Md.

The SPEAKER communicated to the House the following letter, to wit:

WASHINGTON, Dec. 17, 1822.

SIR: I have the honor to inform you that I have been appointed a Senator to represent the State of Maryland in the Senate of the United States, and in consequence do resign my seat in the House of Representatives. I have the honor to be, &c.

S. SMITH.

Hon. PHILIP P. BARBOUR,

Speaker of the House of Reps.

Ordered, That the said letter do lie on the

H. OF R.]

Disbursement of Public Money.

[DECEMBER, 1832.]

table, and that the Speaker of this House be directed to communicate the resignation of Mr. Smith to the Governor of the State of Maryland.

Disbursement of Public Money.

The engrossed bill "concerning the disbursement of public moneys," (forbidding advances on contracts,) was read a third time; and the question being "Shall the bill pass?"

Mr. NEWTON, of Virginia, said he was opposed to the bill, for reasons which he would briefly state. The present system had been in operation for two and thirty years, and had been amended, from time to time, until it had been made such as to compel those who had the disbursement of public money to account for it promptly. He believed, he said, notwithstanding a considerable noise had been made about the loss of public money in its collection and disbursement, it would be found, when the subject was fairly considered, and all the facts fully known, that the total amount of losses, from the commencement of the Government, would not amount to more than about two millions and a half of dollars. In the port of New York, in which most of the duties on imports were collected, he did not know that the total loss would amount to \$600,000. Mr. N. was satisfied, he said, that the Government is going on extremely well; that the accounting officers are extremely vigilant in the discharge of their duty; that all those into whose hands the public money goes, are called strictly to account for its expenditure. Why, then, he asked, pass new laws upon the subject? Things are going on very well; let us be satisfied with them as they are. Mr. N. said he believed that the greatest curse which could befall a republican people was the multiplication of unnecessary laws. Besides this general objection, however, he had other serious objections to this bill. The bill provides that no money shall be advanced to contractors but for articles furnished, the value of which shall be ascertained, and for services actually rendered. Then comes a proviso, authorizing the officers of Government to make advances when they think them necessary to the public service. Thus, Mr. N. said, the proviso neutralizes the enactment of the bill, and leaves things exactly as they now are. But suppose it does not leave things as they are. By excluding advances you put an end at once to competition, by which the public interest is so much consulted. Your most valuable citizens are at once excluded from engaging in the business of supply for the public service. The wealth of the mechanics of the United States, Mr. N. said, consists in their honesty and their enterprise; they have no other capital. They cannot make contracts, if you forbid advances to them. By doing so, you throw the business of contracts into the hands of a few men who have capital, and who will make the Government pay as high as possible for that they furnish. So far from producing the delightful system of economy which the supporters of the bill imagine, it will produce the opposite

effect, of prodigality, and, in addition, will be a proscription of a large class of our fellow-citizens. This, however, was not his only objection to the bill. This House, he said, was the Grand Inquest of the nation, whose business it was to arrest and punish usurpations of power. But the House was about itself to usurp power, in dismissing persons from public offices by law, (on their failure periodically to settle their accounts, &c.) This, Mr. N. said, was an Executive power; it was one of the prerogatives of the President. If he do not do his duty in removing from office those who may neglect their duty, he is amenable to this House for his misconduct. For these, and other reasons, which he would not fatigue the House by stating, Mr. N. believed that the bill was unnecessary and ought not to pass, and should give it his decided negative.

Mr. BASSETT said that to the whole of the objections adduced by his colleague to this bill, it would be a sufficient answer, perhaps, that the present practice in the Government approached as nearly as possible to the system proposed in this bill. If his arguments, therefore, were well founded, they formed no objection to the bill; inasmuch as, that what was now practice in the Government could not be worse if it were made law. Mr. B. referred to the letter from the Secretary of War, yesterday read to the House, from which it appeared that that Department had found it necessary to bring the public business as nearly as possible to the system proposed by this bill. Mr. B. had further understood in conversation with the Secretary of War, that it was desirable that the system now established in practice should be fixed and made permanent by a legislative act; because every new officer coming into the Government, unapprised and unacquainted with the difficulties of this sort which he would have to encounter under the former system of advances, &c., was thrown, before he knew it, into the very vortex of them. Was not this, Mr. B. asked, a demonstrable argument in favor of this bill and against his colleague? Mr. B. quoted the late Message of the President, to show the quantities of public money which were at one time in the hands of public agents. Are the moneys of the country, said he, to be thus thrown abroad, subject only to the accountability of individuals? Was this necessary? Could not Government be supported but on principles fraught with destruction to the public interest? And if there be an individual who is benefited by profligacy in the public expenditure, is that a reason why this bill should not pass? Mr. B. said he knew his colleague too well to suppose that he would support the principle that any individual in the Government, let his situation be what it will, is to be sustained at the public expense. Mr. B. defended the bill from the charge of partiality. The causes of discrimination between persons seeking contracts are, said Mr. B., beyond our control. Did the gentleman suppose the Government was to make contracts with persons who are paupers, and put large sums into their

DECEMBER, 1822.]

Georgia and the United States.

[H. OF R.]

hands, relying upon their accountability? The gentleman would be himself one of the first to blame the Government for doing so. This bill, besides, Mr. B. said, would save the public money from being lost, and, from what appeared from the President's Message, it was high time some steps were taken to prevent further dilapidation of the public money. Mr. B. took further views of the subject, of the same import with the preceding. He particularly denied that the bill bore on the less wealthy more severely than on others, inasmuch as their contracts, he urged, would give them credit for as much money as was necessary to enable them to comply with them. And with regard to usurpation, which had been charged upon the bill, Mr. B. said he had supposed the very essence of legislation to be to lay down general rules under which those who perform the Executive functions are to act. If the Legislature were cut off from this authority, the Executive was supreme as to every thing relating to public offices, and no act of Congress could affect him, which was a doctrine which he presumed the House, would not sustain, &c.

This motion was negatived.

The question was then taken on the passage of the bill, and it was passed by a large majority, and sent to the Senate for concurrence.

Georgia and the United States.

The House, then, according to the order of the day, resolved itself into a Committee of the Whole, on the resolutions respecting the articles of cession and agreement between the United States and the State of Georgia, as affected by the Creek and Cherokee treaties.

The resolutions are in the following words:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That so much of the above treaties as pretends to grant to the Indians fee-simple titles to lands within the limits of Georgia, is a violation of the sovereign rights of that State.

2. *Resolved,* That so much of the said treaties as purports to grant to the Indians the right of citizenship, is a violation of the rights of Congress.

3. *Resolved,* That the sum of — be appropriated for the purpose of holding treaties with the Creek and Cherokee Indians, for the extinguishment of their titles to lands within the limits of Georgia.

4. *Resolved,* That so much of the treaty, made the 27th of February, 1819, as directs a large portion of the public lands to be sold, and the proceeds to be vested in some public stock, by the President of the United States, and to be disposed of by him for the benefit of the Cherokee Indians, does not accord with the general policy of this Government, and the power of Congress over the public property in the United States.

Mr. TATTNALL, of Georgia, moved to strike out the first three of these resolutions, and insert in lieu thereof the following:

1. *Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* That so much of the several treaties, made between the United States and the Creek and Chero-

kee Indians, as provides for reserves to the Indians, of lands in fee simple, within the territory ceded to Georgia, is calculated to interfere with the sovereign rights of that State, and is in direct violation of the "articles of agreement and cession between the United States and the State of Georgia," concluded on the 24th of April, 1802.

2. *Resolved,* That it is expedient and proper that an appropriation be made by Congress, of a sum, adequate to the extinction of the Indian title, to the "reserves" embraced within the treaties above referred to.

Mr. TATTNALL said it was not his intention, nor did he believe it was that of his colleagues, to detain the attention of this House by remarks upon this subject. It had been so fully discussed at the last session by one of his colleagues, and the views which he had taken of it had been so decidedly supported by the vote of this House making an appropriation for the purpose referred to in the third resolution, he should say no more on the subject now, than that the resolutions now submitted were a mere modification of those for which he proposed to substitute them. The only subject involved was that of the lands reserved to the Indians in fee simple. It would be remembered by all, that, by the articles of cession and agreement of 1802, between the United States and Georgia, it became obligatory on the United States to extinguish the fee simple, as well as the national rights of the Indians. Through the inadvertence of those who were authorized to make the treaties in question, or from some other cause, among other provisions, certain reserves in fee simple were made to particular Indians. The consequence of this was, a state of things perfectly unparalleled. For it was a fact that it was now a question agitated in the courts of Georgia whether there existed over those reservations, at this moment, any national jurisdiction whatsoever. According to his view of the matter, Mr. T. said, these spots are not at present subject to any national jurisdiction whatsoever. These resolutions called upon the House simply to enforce the agreement between the United States and Georgia—to recognize the principle that an appropriation ought to be made for this purpose. The amount of it would be a matter to be settled by the Committee of Ways and Means.

Mr. WOOD professed himself to be in want of some further information than he now had on this subject. He wished to know what was the amount involved in these reservations, &c. He suggested, also, that, as the first resolution was merely an abstract declaration, which could have no legal effect, it was calculated to embarrass the House without any correspondent advantage to the State of Georgia, &c. Mr. W. concluded by moving, in order to allow further time to examine the subject, that the committee now rise and have leave to sit again.

Mr. TATTNALL said he was not tenacious as to the first resolution. But, when money was asked to be appropriated, there appeared to be a propriety in stating the grounds of the appro-

H. OF R.]

Occupation of Columbia River.

[DECEMBER, 1822.]

priation. But, said he, give us the money, if the House choose, and we will relinquish the declaration. Give us justice, and we care nothing about resolutions. Mr. T. said he had no objection to giving further time for consideration, being well assured that, when well understood, these resolutions would not meet with the least objection.

The committee then rose, reported progress, and obtained leave to sit again upon the subject.

The bill to authorize certain persons in Missouri to try the titles to their lands, was next in order, and, on motion of Mr. RANKIN, was re-committed to the Committee of Public Lands.

Occupation of Columbia River.

The next bill in order was the bill to provide for the occupation of the mouth of the Columbia River, and the House went into a Committee of the Whole on the subject.

The bill having been gone through—

Mr. FLOYD, of Virginia, rose and said that after the labor which had been bestowed upon this subject by the Committee on the Occupation of the Columbia River, and the long report which they had presented to the House, it could not be expected that he should say much that was new or interesting in support of the bill: all that he desired was to claim the indulgence of the House for a short time, until he offered a few facts which were in his possession, and such reflections as had presented themselves in support of the measure.

I know, said Mr. F., that much has been said relative to the occupation of the Columbia, or Oregon, and that the measure has been by some called fanciful, and I a bold projector; against which in the outset I must protest, as I have always conceived persons of that character to be often governed by motives other than the good of their country, though the nation may sometimes even be benefited by them. I hope, however, to show in this that benefits will result to the public; and at most it is only acting promptly, under precisely the same principle which has directed the progress of population from the moment the English first landed in Virginia, until it has penetrated far into the bosom of the forest. I will, in the first place, notice its course.

The first charter granted to Virginia, by King James the First of England, bears date the 10th of April, 1606, which limits the settlements to one hundred miles. In his subsequent charters the boundary is extended. But, some time after that, the authority of the crown was used to prevent any settlement west of the Alleghany mountain; which proved to be altogether a fruitless attempt, as (to use the words of the celebrated Voltaire) "the ball of empire was rolling to the West;" no power of government could resist its progress.

Tennessee, I believe, was settled contrary to the command of Government; and Governor Sevier, a gentleman of great enterprise, high integrity and honor, was even outlawed for

having the temerity to go beyond the limits assigned to the people by their Government. I do not profess to be well acquainted with the history of that State, but I see enough of her intelligent members to correct me if I am in an error.

Kentucky, it is true, was afterwards settled by Virginia, but her citizens occupied the country at their own hazard, maintained it by their own wars, and brought it to its present state of grandeur and improvement. A more recent example is afforded us in the settlement of Boon's Lick—the finest, fairest, and most fertile part of the State of Missouri. Individual enterprise sought that country, and occupied it contrary to the wishes and authority of this Government. Of this fact I have not the proof, but have not heard the charge denied. Thus it is with those who hold authority, whether Republican, Imperial, or Royal; all take upon themselves the exclusive privilege of thinking for the people; of checking the progress of population in one direction, and fixing boundaries to it in another, beyond which they are not permitted to pass;—all must quadrate with the Executive notion of military defence. This disposition of Government checked, but the flood rolled slowly onward—"the ball of empire" is indeed "rolling to the West."

In the year 1755 the population of Virginia had spread three hundred miles into the interior of the country, comprising a period of one hundred and forty-nine years. From the year 1755 to the year 1779, owing perhaps to the war, no great change was visible in the western frontier. At this period the western country began to be inhabited; and down to the year 1822, comprising a period of forty-three years, we find that the population has spread over the country to the distance of one thousand and forty-one miles. The war of the Revolution put power into the hands of the people; they were not disposed to be kept cramped on sterile soil, because the military aspect of the country would better please the notions of their oppressors. Every man had a right, by our principles, to "seek his own happiness in his own way;" and the mandates which would have kept Boon's Lick a wilderness were disregarded. This short space of time is less than the life of many individuals in this House. This is not "a tale of the times of old;" it has taken place in our own day. There are strong proofs that the people perceive their own interests long before the Government can be prevailed upon to relinquish to them the privilege of acting.

The settlement on the Oregon, as contemplated by this bill, connecting the trade of that river and coast with the Missouri and the Mississippi, is to open a mine of wealth to the shipping interests and the western country, surpassing the hopes even of avarice itself. It consists principally of things which will purchase the manufactures and products of China at a better profit than gold and silver; and if that attention is bestowed upon the country to which its value and position entitle it, it will

DECEMBER, 1822.]

Occupation of Columbia River.

[H. OF R.]

yield a profit, producing more wealth to the nation than all the shipments which have ever in any one year been made to Canton from the United States.

These three magnificent rivers water a tract of country where the best furs in America are taken, of three thousand miles in extent, spreading from the forty-second to the forty-ninth degree of north latitude. But as the convention of London, entered into on the 20th October, 1818, does not extend beyond the Rocky mountain, the claim of the United States is believed to be much broader on that side, comprehending the most valuable copper mines on the Continent—so pure that the natives form their utensils and their ornaments of it without difficulty, and it is to be had in profuse abundance.

Most of the hunting ground on the Missouri has been for a long time in the hands of the British traders; and, until within a few years, that of the Mississippi was in the same condition, and so entirely have they been convinced of its importance that no expedient was left untried to secure the prize. They have advanced far into the interior, to make their establishment, and resorted to every means in their power to impress the Indians with unfavorable opinions in relation to the United States, which the paltry peddling factory system, with all its knavery, was well calculated to fix on their minds. Under all the disadvantages which the American trader had to labor, encountering the hostility of the English, and still greater hostility of our factory system, there was produced from the Mississippi trade with the Indians, about two hundred and fifty thousand dollars annually; and from the Missouri below the Mandan villages, about one hundred and twenty thousand dollars a year. The capital which produced this result was small, and composed of things of little value: by opening, too, a trade far into the interior, conducted by enterprising individuals, you produce a corresponding influence, which will strongly tend to preserve the peace and good understanding which now exists with the Indians. They are a proud, high-spirited people; when once deceived are rarely reconciled; but as the trader's safety, his life, and his hope of gain, and prospect of success, depends upon his influence with them, and the existence and continuance of peace, you have the strongest possible assurance from him, to cultivate a good understanding with them: and in this way you will preserve peace on the frontiers more effectually than by all the laws you can pass. In war the trader is always plundered, and murdered: the more wealth he has, the less his chance of escape.

I will, Mr. Chairman, in this place, take some notice of the value of this trade in the hands of the English, when it has been encouraged and attended to—what a contrast! with the finest rivers in America, and almost all the fur districts, we have reaped but a scanty benefit

from a trade, capable of enriching an empire. Whilst ours has yielded us only three hundred and seventy thousand dollars annually; theirs has amounted to millions for export. In the year 1803, there were exported from Quebec alone, the skins of 650,729 quadrupeds, 93,778 of which were of the beaver. A respectable and intelligent hatter of Washington City gives the following as the price here: Beaver, first quality, \$5 to \$6 per pound; a skin will weigh from three-fourths of a pound, to one pound and a half; muskrats, from 45 to 55 cents per skin; raccoons 65 cents per skin. For the year 1820, I have only the notice taken of the trade of Canada by a New York paper; it bears all the marks of an official document, and, I think, may be safely relied upon. It makes this statement: Notwithstanding the general depression of trade, the commerce of Lower Canada seems to be prosperous, and, from a list of exports and imports for the year 1820, we conclude the colony is gradually becoming a very important and valuable addition to the British Crown. In the last year 585 vessels, 147,754 tons, and 6,767 men, entered the port of Quebec, bringing wine and spirituous liquors, sugar, coffee, and tobacco, with other articles, amounting to 1,165,998 pounds, Halifax currency, four dollars to the pound: exporting timber of all kinds, ashes, grain, fish-oil, furs, peltries, &c., to the amount of £790,521, exclusive of the furs and peltries, which is estimated at one million of dollars. This year there were exported 106,517 martin skins, 57,192 beaver, 36,115 muskrat, with various other skins, besides casks and kegs of castorum. For the year 1821, I hold in my hand an official statement of the imports and exports of Quebec. In that year there were exported the skins of 164,330 quadrupeds, of which there were 75,562 martins, which, I am informed, were worth at a low estimate, \$188,305; there were also 56,080 beaver skins. For this official paper, I am indebted to the kindness of a gentleman whose integrity, personal worth, and sound understanding, are well known to this House, of which he was lately a member. I allude to Mr. Ezra Meech, of Shelburn. In his letter to me, of the 20th of January, 1822, he makes this statement: "The exports of furs is about one-half less in 1821 than in 1820. Since the Hudson's Bay Company and the Northwest have united, the furs are mostly exported from Hudson's Bay; in future nearly the whole will go from that place. The furs cannot be calculated at less, from both places, than two millions of dollars annually."

How valuable, then, must that trade be, which can export to the amount of two millions of dollars, after supplying all the demands at home, which, from the habits of the people and the length and severity of their winters, we must suppose to be very great!

There is, in contemplating this trade, something to encourage us, but much to humble our boasted spirit of enterprise. We have no ex-

ports from these rivers worth recurring to, and the supply is but small in amount for home consumption. Whilst we might trade through long, deep rivers without interruption or difficulty, from St. Louis to the mouth of the Oregon, or Columbia, the British take their goods with difficulty through more than sixty lakes, and numerous rivers. Their means of transportation are bark canoes: the rivers through which they pass are interrupted in at least a hundred places by falls and rapids, and over one hundred and thirty places the trader has to carry both his canoe and cargo on his back. Moreover, it is three years before their complete circle of trade can be made: whereas, in the United States, the results occur from the May of one year until the September of the year following. Yet do we wonder at their wealth, and pause at fancied difficulties. This is the trade I would turn to the Oregon, and from the mouth of that river make the shipments, and return with the rich exchange to our Atlantic cities, and save much of the gold and silver which is now sinking in Asia—according to the opinion of some, never to return.

I think, Mr. Chairman, I shall presently be able to show that, were this trade cherished, and pursued in connection with our whale fisheries, we could purchase the whole supplies of the United States, in the Canton market, without carrying one dollar out of the country. Other benefits would be gained as important to the republic as the trade itself. This would become the school in which to bring up our seamen; and every voyage would add many to the list of sailors, ready, in war, to defend the rights of the nation: a single voyage into those seas would be sufficient to make them seamen; and, in any future emergency, they would support the well-earned character of the navy. It was these hardy sons of the sea, who had been nursed in the fisheries and the whale trade, who first, during the late war, shed a blaze of glory over the arms of this nation, and taught the British lion to crouch to the banners of the republic.

The principal part of the whale ships are owned in New Bedford and Nantucket; and in point of real value, is second alone to the fur trade. Here there is some capital vested in the purchase of a ship, which is often from three to five hundred tons burden, and of the best workmanship; the active capital is the labor of the hands in taking the whale, with the profit they make on articles of hardware, which is taken on board to trade with the Indians on our western coast; the return is great, and ought to be considered created rather than the gain of commerce.

Formerly, the finest whales were taken on the coast of South America; but now, the fishing ground is off the Columbia River. At that point, and northward, is likewise the place most resorted to for taking the sea otter, which is here most abundant, and of the finest kind. These enterprising seamen observed, with the

eyes of a lynx, all the avenues to gain, and have found a profit in cutting timber on the Columbia River, and shipping it to Chili and Peru. This trade, at no distant day, is destined to employ many individuals, and to contribute largely to the wealth of the Territory of Oregon.

In order to give as short and hasty a sketch of the whale trade as possible, as it has been pursued for some years on that coast, I will only recur to the voyages made in the years 1819 and 1820: the lateness of the hour will induce me to be brief.

From New Bedford there sailed this year fifteen ships, seven brigs, and one sloop; they numbered five thousand one hundred and eighty-four tons, and were navigated by four hundred and sixteen seamen. One cargo of sperm oil, in this year, amounted to two thousand three hundred and sixty-four barrels; whale oil was also brought in to the amount of one thousand and seventy-two barrels, sperm seven hundred and thirty-three, in another.

From Nantucket, there went out this year seventy-five ships, amounting to eighteen thousand seven hundred and sixty-five tons, navigated by one thousand three hundred and fifteen seamen; seven brigs, amounting to nine hundred and eighty-nine tons, having on board one hundred and three seamen; two schooners, measuring one hundred and seventy-two tons, with twenty-eight seamen; and one sloop, of eighty-two tons, with fourteen seamen;—making eighty-five vessels, twenty thousand two hundred and twenty-six tons, and one thousand four hundred and sixty seamen. Other vessels, I am informed, have every year been added to the number of those engaged in that trade. One brig and five ships, the year following, followed to the Pacific, navigated by one hundred and fourteen seamen; and we sometimes find a vessel out in this trade three years, before she returns. Why is it not cherished? What can be better calculated to produce seamen?

From a memorandum which I hold in my hand, presented to me by a member of the last Congress, it appears that Nantucket is believed to be interested in this trade, to the amount of four millions of dollars, and New Bedford two millions of dollars. This trade, it will be remembered, employs more tonnage, and a much greater number of seamen, than the Canton trade, which has been so prized by the rich merchant.

I will now, Mr. Chairman, take some notice of the China market, where we procure many of our supplies. It has been severely remarked upon, throughout the country, more particularly by those engaged in the European trade, and even in this House, no very favorable impressions of it, at one time, existed. But, from aught I can see, it is a trade rather to be cherished than deprecated; and if it has not yielded us all we wanted, it has been owing to the manner in which we ourselves have carried it on. I hope the House will indulge me a short time, that I may take some notice of the docu-

DECEMBER, 1822.]

Occupation of Columbia River.

[H. OF R.]

ment furnished by the agent of the United States, at Canton, to this Government; it is official.

It appears from this paper, that the trade of China has fluctuated very considerably, from the season of 1804-'5, to the present time, owing, no doubt, to the various causes which have influenced this Government during that period. In the course of that year, there were thirty-four vessels, which made up the sum of 10,159 tons; they carried, in specie, \$2,902,000, yet the total amount of value that year entered in Canton, was \$5,555,818; the whole of which, exclusive of the specie, and excepting also \$1,080 in ginseng, was furs, seal skins, ebony and sandal wood, making their value amount to \$3,658,638. In the season 1805-'6, the result is different—forty-two vessels entered that year, making the number of tons 12,480, carrying \$4,176,000. The total value of the trade was, that year, \$5,326,358, which was produced by the furs, seal skins, sandal wood, and ebony; making the amount \$1,178,358; but in this must be reckoned 1,334 peculs of ginseng, 102 of opium, 48 of quicksilver, 140 of lead, 346 of iron, and 600 of copper. There were that year sent 17,445 sea-otter skins, and 140,297 seal skins. In the season of 1806-'7, there were entered at that port, thirty-seven vessels, making 11,268 tons. They had on board \$2,895,000. The total value of trade that year, was \$3,877,362; of which, there was about the same proportion of ginseng, quicksilver, iron, lead, &c., that there was the season before; but this year 14,261 sea-otter skins and 261,330 seal skins; this would make the furs, seal, &c., amount, this year, to \$981,362. I will skip over some of these years, and present to the House a few of those most worthy of notice. Here is the return for the season of 1808-'9; this year, as our difficulties in Europe increased, our trade declined, though the result is worthy to be remarked. There were but eight vessels entered at Canton, numbering 2,215 tons, carrying \$70,000; the total amount of trade that year was \$479,850; the amount this year, over the \$70,000, was \$409,850. This amount was produced by 7,944 sea-otter skins, 34,000 seal, 3,400 land otter, 5,170 beaver, 480 peculs of ebony, 2,050 of cotton, and 4,800 peculs of sandal wood.

The season of 1811-'12 gives this result: \$1,875,000 in specie, sent to that market; the total amount of the trade was \$3,182,810; consequently the \$1,257,810 was made up of furs, seal skins, and sandal wood, with the exception of 1,557 peculs of ginseng, 200 of opium, 29 of quicksilver, 5,814 of iron, and 2,798 of copper.

In the season of 1812-'13 there was taken to Canton \$616,000, and the total amount of trade that season was \$1,453,000, made up of furs, seal skins, and sandal wood, with the exception, likewise, of 250 peculs of ginseng, 100 of opium, and 5,629 of copper.

During the whole of the years 1813-'14, and 1814-'15, there was not one dollar sent to Chi-

na—there was, with the exception of 430 peculs of ginseng, nothing sent but furs, sea-otter, seals, land otters, fox, beaver, and sandal wood; these were taken in the forest, or hewn down with the axe in the Sandwich Islands, yet the amount is \$451,500.

The season of 1815-'16 is favorable. That of 1816-'17 gives \$5,609,600, as the total amount of trade, though there was of this \$4,545,000 in specie.

The season of 1817-'18 gives 39 vessels, 14,825 tons, \$5,601,000 in specie; the total amount of trade that year was \$7,076,228, making \$2,675,928 in furs, sandal wood, &c., with 1,601 peculs of ginseng, 448 of opium, 105 of steel, lead, quicksilver, iron, copper, nearly in the same proportions.

The estimate of our trade, for the season of 1818-'19, states the amount in specie to be \$7,414,000, and the total amount \$10,217,151, of which sum, the sandal wood forms an item of \$91,368, sea-otter tails \$10,136, beaver skins \$70,065, seal \$100,800, sea-otter \$124,068, besides all other furs, &c., with ginseng, lead, opium, &c., which forms this season large items in the imports.

In the season 1820-'21, there was taken to Canton \$2,995,000, though the total value of the trade that year is \$5,392,795; sandal wood this year amounted to \$67,133; sea-otter skins to \$176,548; land otter to \$44,550; beaver \$68,000, and sea-otter tails to \$14,422; seals \$22,078, &c., &c.

Having, sir, exhibited this view of the subject to the House, I will now trespass upon their time for a moment, to present one other point in this trade, which will place the whole subject in such a light, that I hope it will be easily understood. We have been constantly in the habit of exclaiming against the Canton trade, as ruinous to us, as draining the country of its specie, without once referring to the indirect trade, by which many of the dollars here exhibited have been taken from Europe, and the Mediterranean. During the season of 1818-'19, there arrived at Canton from the United States, forty-six vessels, amounting to 16,022 tons, with 984 seamen. From Boston there cleared that season thirteen vessels—four touched at Europe, five at South America and the Northwest coast, four went direct, employing 260 seamen. From Salem three cleared, two touched at South America and the Northwest coast, one direct—69 seamen. From New York, seven vessels cleared, two touched at Europe, one at South America and the Pacific, four direct—140 seamen. From Providence six vessels cleared, five touched at Europe, and one at South America and the Pacific—132 seamen. From Philadelphia there cleared eleven vessels, two by Europe or the Mediterranean, one at South America and the Pacific, eight direct—199 seamen. From Baltimore two vessels cleared, one by Europe or the Mediterranean, one direct—with 47 seamen. Amsterdam, three vessels, two touched at the Mediterranean, one by South America and the

Pacific—57 seamen. One vessel purchased at Whomford, with 80 seamen.

In the season of 1819-'20, there arrived at Canton forty-three vessels, making 15,189 tons, navigated by 829 seamen. Eleven cleared at Boston; one touched at Europe, one at South America, one at the mouth of the Oregon, or Columbia, one at the Sandwich Isles, one at Batavia, and six direct, navigated by 208 seamen. From Salem, two vessels cleared; one touched at Europe, one at Manilla, with 88 seamen. From New York, nine vessels cleared; two touched at Europe, one in the Pacific, six direct—193 seamen. From Providence, there cleared six vessels; two touched at Europe, three in the Pacific, two direct—98 seamen. From Philadelphia, there cleared ten vessels; four touched at Europe, one in the Pacific, and five direct—navigated by 195 seamen. From Marblehead, there cleared one vessel; touched at Manilla—navigated by 20 seamen. From Newburyport, one vessel touched at Batavia—15 seamen. From Rotterdam, by Portsmouth, having 24 seamen. Valparaiso, one direct—28 seamen. South America, one touched at the Sandwich Isles—20 seamen.

During the season of 1820-'21, there arrived at Canton twenty-eight American vessels, amounting to 9,887 tons, conveying \$2,995,000. From Boston six cleared, one touched at Europe, one at South America, and four at Columbia River and the Pacific. From New York, four cleared; one touched at Java, three direct. From Salem, two cleared; touched at Sumatra. From Providence, six cleared; four touched at Europe or Java, two direct. From London, four cleared direct. From Liverpool, two; touched at Sumatra. From Philadelphia, three direct. From Gibraltar, one; touched at Sumatra.

Such, Mr. Chairman, is the aspect of our Canton trade, and in all instances of a vessel's taking any other course than the direct route, it has been for the purpose of exchanging the commodities of our own country for silver, either in Europe or in South America, or by obtaining the furs of the Northwest Coast, the sandal wood of the Pacific, for the products of the United States; thence to Canton, and return with the richest cargoes. In this way much of the silver which is entered at Canton is obtained, and has at first view the appearance of having been taken from the United States. In the seasons, for instance of 1819 and 1820, the schooner *Flying Fish*, of 285 tons, Fitch, master, belonging to a company of merchants cleared from South America, touched at the Sandwich Isles probably for sandal wood, carried specie to the amount of \$100,000. The schooner *Packet*, Hill, master, 281 tons, cleared from Valparaiso, Thorndike, owner, went direct with \$140,000. During the season of 1820 and 1821, of which I have just now spoken, it will be observed that four vessels cleared from London and two from Liverpool. From London, the *Robert Edward*, Sherburn, master, went direct to Canton with

\$107,000 on board. The ship *Canton Packet*, King, master, owned by Perkins, cleared from London with \$200,000. The ship *Honqua*, Nash, master, owned by Perkins, cleared from London, direct, with \$50,000. Ship *Augusta*, Giles, master, owned by Perkins, cleared from London, with steel, cotton, furs, &c. From Liverpool, the ship *Columbian* cleared this season, Sherman, master, owned by Evans, and sailed direct to Canton with \$60,000. Ship *Addison* from Liverpool, took no specie. This at least we know, that \$317,000 went this season from London and Liverpool, and how much else, by our vessels touching for the purpose spoken of, at different ports in Europe, the islands, &c., is not known, but it is presumed to a considerable amount.

Besides this, it does appear that much of the profit of this trade is gained by our merchants in carrying the products of Canton to Europe, and vending them there, and either returning home with the manufactures of Europe suited to our wants, or bringing with them the specie—hence the drain of specie is from Europe in proportion to the goods shipped from Canton for that country. If the House will indulge me a little longer, I will show the proportions shipped to the United States and to Europe by our traders. In the seasons of 1815, and 1816, there was destined for Europe 2,781,010 lbs. of tea, 1,650 peculs of cassia, and 185,000 pieces of Nankeens. The proportion destined for the United States, was 4,514,280 lbs. of tea, 1,695 peculs of cassia, and 455,000 pieces of Nankeens. The proportion of exports for the season of 1816 and 1817, destined for Europe, was 2,880,000 lbs. of tea, 172,538 lbs. of cassia, 600,000 lbs. of sugar, and 860,000 pieces of Nankeens. The proportion destined for the United States was 6,074,100 lbs. of tea, 660,000 lbs. of cassia, 888,000 lbs. of sugar, 1,434,000 pieces of Nankeens. The proportion of exports destined for Europe in the seasons of 1817 and 1818, was 2,086,245 lbs. of tea, 73,800 lbs. cassia, 160,000 lbs. sugar, 46,600 lbs. sugar candy, 10,600 lbs. rhubarb, 66,000 lbs. gallingal, 22,600 lbs. raw silk, 6,600 lbs. vermilion, 650 pieces of silks, 241,000 pieces of Nankeens, 2,600 lbs. of gamboge. That destined for the United States, was 7,585,885 lbs. of tea, China ware, 11,487 pecula, 272,988 lbs. cassia, 1,428,938 lbs. sugar, 87,200 lbs. rhubarb, 1,608 peculs of mats, 200,886 pieces of silks, 76,800 lbs. sewing silks, 87,600 lbs. vermilion, 14,000 lbs. gallingal, 6,988 lbs. China root, 1,338 lbs. camphor, 33,000 lbs. of sugar candy, 1,228,000 pieces of Nankeens.

It should be borne in mind that this season the value of all the China ware exported by American vessels, is estimated at \$173,805; and all the sandal-wood sold this year in China, taken from the Sandwich Islands principally, is estimated at \$174,075. All the imperial tea exported this season by American vessels from China, is estimated at \$316,152. And the sea-otter skins, land-otter, beaver, and seal skins,

DECEMBER, 1822.]

Occupation of Columbia River.

[H. OF R.]

alone, imported this season, are estimated at \$313,580.

During the season of 1820, and 1821, there was exported from China for the United States, China ware to the amount of \$188,266. There were imported that year by our vessels, sea-otter skins, valued at \$176,548: Thus may it be seen that the whole of the China ware of the United States is purchased by that which we fish from the sea on our western coast, at or near the mouth of Columbia, or it is cut from the Sandwich Islands in the shape of sandal wood.

I will not fatigue the House with any thing more relative to our trade in the Pacific Ocean and at Canton. Enough has been unfolded to call the attention of gentlemen to that subject; their own reflections will supply more than I could say. Were this trade cherished as it ought to be, new benefits would every day develop themselves, and fresh sources of wealth be opened to the Republic. Our whale ships are annually on that coast with no other cargo than some hardware, and ornaments, to traffic with the natives. Perhaps the greatest value on board their vessels would not amount to more than two thousand dollars; the rest is made up by their labor, in fishing it from the ocean. Yet we witness their return every year enriched by the products of their voyages. The best fishing ground is known to be on our Western coast, and our commerce in those seas, every day increasing, is now so important as to require a ship-of-the-line and smaller vessels, to protect it; and we have reason to believe, that three ships of war will soon be wanted for that purpose. Nor have we a place to refit our ships, on that side of the continent, or to even drive a nail in one of our vessels, should it be wanted, though we have many excellent harbors. For any accommodation of that kind, we must be obliged to the good dispositions of other nations, or sail back to our own ports on the Atlantic, near twenty thousand miles round Cape Horn. The catastrophe on that side, during the late war, ought to have taught us wisdom. While our ships cut up and destroyed the enemy in that sea, there was no place to rest secure, with the vessels they captured, or we would not have witnessed the destruction of so many which have been taken. Neither should we have felt the effect of that terrible scene at Valparaiso. The coast on that side can be more easily defended than any in America; the entrance of Oregon, or Columbia, is easy, affording seventeen fathom water; the whole extent of the river, below the falls, is deep, placid, and, near its mouth, there are points which altogether command the entrance, with perpendicular rocks on either side, where forts may be constructed so strong as to bid defiance to all the military science of the world.

On a former occasion, Mr. Chairman, a gentleman on the other side of the House, expressed some surprise that I should be in favor of reducing the Army, when I had a proposition

to occupy the mouth of the Columbia. This, sir, was the reason, I am thoroughly persuaded, that the post at the Council Bluffs is not wisely chosen, and that the troops now at that point, would render more service to the country at the mouth of Columbia, than where they are: they are too far to protect the white population of Missouri, and not far enough either to check the British trader, or render any other service. One of the principal crossing places of the Indians is some distance below that post, the other far above. But, if I were to suggest a plan to awe the Indian and keep him at peace, it would be, to show him your troops occasionally, penetrate into his country, and let him witness their display; then return; prove to him by this conduct that you have no disposition to take his country, and he will respect and fear you. The Indian is the proudest man that has ever lived, and loves his country as ardently as man can. Three hundred years of war has proved to the white man that he can be killed, but never subdued; war is the road to fame with him; the warrior is the proudest title he can prize, the only one of value; wherefore, the moment your soldiers lay off their military dress, and appear in their fatigue clothes, and commence their labors, that instant all respect, all apprehension is banished from his mind, and is succeeded by ineffable contempt and disgust; for they, like the nobility of every country, hold labor as disgraceful.

The route to the mouth of the Columbia is easy, safe, and expeditious. We all recollect, distinctly, the delays, dangers, and difficulties, which attended the merchant, on his first opening the trade to Kentucky; in those days, much preparation was necessary, and from thirty to thirty-five days were exhausted in getting to market; his goods were then transported to Fort Pitt, or Wheeling, by wagon, creeping on with appalling slowness; if there was a freshet in the Ohio he arrived in the season, but sorrow and ruin attended him, if his goods did not arrive in time for this advantage; his Spring supplies arrived in the Fall, and his Fall goods detained sometimes until the Spring. Even now, an intelligent friend from Tennessee, who usually sits on the other side of the House, tells me, that the merchants of Nashville take their wagoners' receipts, to deliver their goods at that place in from 80 to 50 days. From Louisville, in Kentucky, down to New Orleans, formerly required a voyage of from 80 to 40 days, and using, on the voyage up the river, what they called a barge, it required them 90 days to make the trip, in what they called good time; the distance is estimated, I believe, at 1,500 miles. Now, however, by steamboat navigation, they make the voyage down, in seven days, and up in sixteen days. This, I believe, is the average voyage between those places; if I am in error, I can be corrected, as I see in the House some of the steamboat owners on those rivers.

Now, Mr. Chairman, we cannot be mistaken,

when we apply the same calculations to the route to the mouth of the Oregon; as steam-boat navigation we all know to be safe and sure. Wherefore, it will take a steamboat 24 days to arrive at the falls of the Missouri; thence, I allow a wagon 14 days to travel two hundred miles, to the mouth of Clark's River, thence 7 days to the mouth of Oregon; making the time necessary for that trip 44 days. To return, the boat would reach Clark's River in 14 days, double the time she would go down; the wagon would return to the falls of Missouri in 13 days; thence the boat would arrive at St. Louis, in half the time necessary for her upward voyage, which would be twelve days; making the whole time 89 days.

If there were any doubt existing in the mind of any gentlemen, surely it might be done away, when we recur to the fact of a wagon having already passed from St. Louis to Santa Fe, and returned in the course of the last summer, bringing with it the sum of ten thousand dollars, as the profit of the trip; this information I get through the medium of the newspapers, alike known to all, and the fact, I believe, has never been doubted; another party returned from the direction of the Rocky Mountains, with a profit of fourteen thousand dollars, making twenty-four thousand dollars, where none existed before, and making that easy, which, but a short time ago, was thought an impossibility.

I am apprised that something is said relative to the probability of the settlement of the Oregon, contemplated by this bill, producing, in the end, bad consequences to this country, if not, finally, a separation of these States. The great distance has also been urged as a reason for its rejection. Sir, I would look with as much fear upon a measure which might, even at a remote day, produce a separation of these Republics, as any man; but no result can take place of that kind; all contemplate with joy the period when these States shall extend to the Rocky Mountains. Why not, then, to the Pacific Ocean? Would that country, cut off from this, be benefited by the change, pressed, as it would be, by two powerful foreign nations, both to the North and to the South? Rather would not that prevent so fatal a step, as it would be to Oregon? Or, if we consulted our own interests, and believed the separation inevitable, would it not be wisdom in us to have a people there who were descended from us, speaking the same language, admiring and maintaining the same laws, constitution, and government, than to have English, Russians, or French, with all their disgusting notions of monarchy, which degrades the noblest intellect, and makes the man a slave? You cannot choose—you must have your children's enemies the occupants of Oregon. As to distance, I have shown that, in point of time, the mouth of Oregon, or Columbia, is not further distant than Louisville was thirty years ago, from New York, or St. Louis was twenty years ago from Phila-

delphia. The whole expense of carrying one hundred and fifty tons of cannon to the mouth of that river, and making a survey of all our harbors on that coast, is estimated by the Secretary of the Department of the Navy at \$25,000, a sum small, indeed, to accomplish an object of such importance to the Republic. On that side there can be no fear of those collisions which we are constantly in danger of from the constantly varying policy of Europe. On the east of the Atlantic Ocean there is continual strife, and their Governments appear to be administered according to the angry passions of the man, rather than according to the spirit of the laws, which have no passion. On the west side of the Pacific there is peace, and an uninterrupted calm, which not even English policy can disturb. All the supplies which man can want are there to be had in plenty, purchased by us with the products of the forest and the sea, which require no labor, no skill of the artisan to give them value. Is it not worthy the consideration of the statesman and the merchants, whether our citizens might not lay Europe under contribution, by increasing the fur trade through these rivers? This, with the products of that sea, would purchase in Canton all we want to consume; the residue might be sold in Europe, which would at once employ many tons of shipping, and bring us the money of that country which now they send to China. In other words, the occupation of the Oregon would offer so many facilities to the Canton trade, where a voyage can be performed in fifty or seventy days, the products of the sea and forest so vast, the copper of the North so pure and abundant, the sandal wood immediately on the route to market, that the wealth of those regions, and that trade, seem to implore you only to stretch forth your hands and receive it.

This would soon drive the English out of market, as their East India privileges benefit them merely because it prevents other of their subjects from getting rich; it could not reach us, or affect our trade. Young as our commerce is, and unfriended as it has been, its total value, as shown by this paper, was, in the season of 1817-'18, \$7,076,828; whilst that of the English, for the same year, was, \$16,126,700—but a sorry account of their charters and institutions, pampered to suffocation. In the season of 1818-'19, I have shown, by this document, the total value of our trade to have been \$10,217,151, whilst that year, the same paper shows the English trade to have been nearly stationary, amounting to \$16,297,922.

One other advantage presents itself to us, by occupying the Oregon, as proposed by this bill, and I speak of it with the more satisfaction, as it concerns the plough, which is, at last, the great benefactor of mankind. The lands of the Oregon are well adapted to the culture of wheat, rye, corn, barley, and every species of grain; that position will enable them to sell their surplus produce with certainty, and purchase the manufactures of China, by an exchange of

DECEMBER, 1822.]

Occupation of Columbia River.

[H. OF R.]

labor. I know it is the common belief that the Chinese will not take any thing but silver, gold, and a few articles prized by them; but, from all I can learn, this would seem to be a common error, produced by the circumstance of the impracticability of taking flour or breadstuffs to that market. From Europe or the United States, there would be no hope of their arriving in any tolerable condition; the climate is so warm, the voyage so long, that they must spoil on the way. Besides, the merchant would not risk a voyage with such bulky, heavy, low-priced articles; consequently, the commerce of Canton is carried on in all the richer productions, as they yield a profit commensurate with the expense, length of voyage, and great delay in prosecuting it. Many, likewise, of the neighboring countries, carry on trade in the richer products of the soil, as cotton, sugar, coffee, &c., wherefore, there is little surplus breadstuffs to dispose of. This, then, would operate almost as an exclusive privilege to the farmers of Oregon, to supply their wants on that side; and, by so doing, obtain for themselves the comforts which all mankind are in search of.

When Mr. F. concluded, the committee rose, reported progress, and obtained leave to sit again.

WEDNESDAY, December 18.

Mr. Prevost's Report of his Mission to the Columbia River.

Mr. JOHNSTON, of Louisiana, submitted the following resolution:

Resolved, That the Secretary of State be requested to lay before the House so much of the letter of Mr. Prevost as relates to the establishment at the mouth of the Columbia River, and such information as he may have in his possession in relation to the arrangements made about the year 1814, by the Northwest Company, with the proprietors of a settlement made by citizens of the United States at the mouth of the Columbia River, by which that company became possessed of that settlement.

Occupation of Columbia River.

The House, then, according to the order of the day, again resolved itself into a Committee of the Whole on the bill to authorize the occupation of the mouth of the Columbia River.

No debate or proposition being offered thereon, the committee rose and reported the bill to the House with the amendments.

The amendments were severally taken up and agreed to by the House; and the bill being further amended,

Mr. WRIGHT addressed the Chair as follows:

Mr. Speaker, I had hoped, from the ardent and luminous remarks of the Hon. Mr. FLOYD, of Virginia, who reported this bill, and from its vast importance to the enterprising navigating interests of the United States, frequenting the Pacific Ocean, to whom this establishment must be all-important, that this measure would have received the warm support of this House; but,

sir, the seeming apathy that I have thought I discovered, has alarmed my fears for its fate, and induced me to trespass on the time of the House, at least to elicit a discussion, whereby the subject may be perfectly understood, and the passage of the bill thereby secured. Sir, this territory has been fairly purchased from France by the United States, and its limits recently and distinctly marked by our late treaty with Spain. By the compact by which we acquired this territory, the inhabitants of it were, by its letter, secured in the protection of their legitimate rights, and, becoming thereby a portion of these United States, were entitled to the benefits of our constitution: protection and allegiance are reciprocal obligations. Every territory is, by the constitution, entitled to, and has been protected by, a territorial government, progressing with its population, in the progressive grades of territorial governments to which it will be found this territory is, both by the letter and spirit of the compact, clearly entitled. I felt it necessary to make these remarks to awaken the attention of the House to the constitutional claims of the people, who, with the Senate, form their legislative organ, to give practical operation to such measures as are necessary to the lawful government of the inhabitants of that region, who have no means of recovering the smallest debt, but by physical force. Sir, the indissoluble ties of the constitution, I cannot doubt, will be duly regarded; the interest of this nation, particularly of the Northeast, I had presumed, would have bound the Representatives from that quarter to its firm and united support; particularly on examination of the very interesting documents presented by the chairman that reported that bill. The fur trade, even in its incipient stages, appears to be of great value. We know that the great Creator has, in his providence, graduated the habits of the fur-clad tribes, by the climate, and the further North they are found, the better the furs. The fisheries in the Southern ocean are, also, even in their first stages, shown to be of great value; and who can cast his eye upon the map, and not pronounce the proposed establishment to be of great advantage to the Americans trading in the furs and fish of the Pacific Ocean? And who, that has any regard to our hardy American seamen, who have so often covered this nation with glory, will deny them this facility, whose enterprises in the acquisition of coffee, under the restrictions of St. Domingo, elicited the rough compliment of the then sable Prince Regent of that Government. Sir, not long since, one of our ships in the whale fishery was destroyed by the stroke of a whale, and the crew compelled to take to their boats for safety. What a convenience would such an establishment have been to them! what relief would it have ministered to their awful bodings! But, sir, independent of the advantage to the citizens engaged in this trade, I have no doubt a custom-house there would, in a little time, repay all the expenses of this establishment in a ten-fold ratio,

and form the best means of exploring the character of the people, the soil, and climate of that region, now little known to us, and thus learning what may be of great importance to us. In 1795, Great Britain prohibited the importation of cotton from the United States—*now* so important to her. Sir, such has been the enterprise of this Republic since its establishment, and such its success, especially in canals, and such the spirit of improvement elicited by our example, that I am surprised that the union of the Atlantic with the Pacific, at the Isthmus of Darien, has not yet been undertaken. But, sir, its vast importance to the world cannot long permit it to be neglected. The stock in that canal would be of great value, and suggests the pleasing anticipations of its completion. The preposterous claim of Russia to the vicinage of the river Columbia, speaks loudly the value of the trade in that region, which, united with the evidence in possession of this House, I hope will induce them to pass this bill, and thereby protect and govern our people there by law, and not leave them to the government of savages, in violation of that compact that made them American citizens.

Mr. BAYLIS, of Massachusetts, said that, as one of the committee who had reported the bill, he felt himself impelled, by a sense of duty, to present to the House some views which he had taken of this subject. All the objections to the provisions of the bill which he had heard, he had heard out of the House; and he had indulged himself in the hope (as no serious opposition had been manifested in the Committee of the Whole) that the luminous view which had been taken of this subject by the chairman of the committee (Mr. FLORENCE) would have induced its adoption without further discussion.

Of the objections which he had heard, he would, however, say that some were weighty, and all were plausible. The objects which the bill contemplated, were of much importance to a portion of the country which he represented, and its vicinity, from which there is the most extensive whale fishery in the world, and that he was induced to believe that the state of that fishery was now such as to require a port on the shores of the Pacific Ocean, or on the waters connected with that ocean.

The expense of the territorial establishment contemplated by the bill had been urged as an argument against it. He admitted that the measure would be attended with some expense, and that, for some years, the prospect of revenue, from a settlement so remote, would be but small; but the utility of this undertaking ought not to be measured by its expense. Measures, creating more expense, have frequently been adopted by this nation, whose utility was far more questionable than this. If there is one branch of the mercantile industry of the country which deserves encouragement more than another, it is the whale fishery. It is an employment of a peculiar character; it creates its own capital. It does not come upon the country for

specie, to purchase the cotton and woollen manufactured goods, the wines, the brandies, and the silks of Europe. Its capital is created by labor; it is dragged up from the bottom of the ocean; it has now become a business of national importance. With a view to elicit some information on this subject, he had addressed some inquiries to Mr. Hawes, the Collector of the Customs at New Bedford, a gentleman of great respectability, whose knowledge was practical, who had visited the seas where whales are taken, and whose peculiar information would entitle his statements to much consideration.

Here Mr. B. read the communications, which were in substance as follows:—The first letter which Mr. Hawes had addressed to him was dated January 5, 1822. In this letter he stated that sixty-five vessels were employed in the whale fishery, from the port of New Bedford, tonnage 16,222, navigated by 1,850 men and boys; that thirty-six of the largest of these vessels were employed in fishing for sperm whale in the Pacific Ocean, tonnage 9,942, and navigated by about 800 men; that since the late war, the greater number of the whaling ships of New Bedford had been employed on the coast of Patagonia and the adjacent waters, in fishing for right whales; but oil of that description having fallen in price within the last two years, many vessels have been taken from that fishery, and had been despatched to the Pacific, to fish for sperm whale, as the oil made from them had fully sustained its price. From the Pacific it was sperm whale oil which had been obtained principally, and not more than seven or eight hundred of the black oil. The black whale oil was taken on the coast of Chili, in the bays and harbors. He estimated all the oil and bone brought from the Pacific to the port of New Bedford, since the late war, at \$1,713,600—to January 1, 1822. The number of the ships in the fishery to the west of Cape Horn had increased, and would increase; that the sperm oil was now manufactured before it was carried to market; and the manufacturing of it was considered very profitable. Mr. Hawes estimated the annual value of the whale fishery to New Bedford, in the Pacific alone, at \$500,000, exclusive of the profits arising from the manufacture of sperm whale candles. The capital he estimated at \$850,000. The bills of some of the ships employed in the Pacific Ocean were as high as \$32,000 or \$38,000. Sperm whale oil was generally from 80 to 100 cents; sea elephant, from 45 to 50, and right whale or black oil, from 30 to 35 cents per gallon. The price of the sperm oil he had estimated as it was when in its crude state; after pressing, it would average one dollar per gallon. The ships employed in the whale fishery from Nantucket, since the last war, according to the estimate of Mr. Hawes, considerably exceeded those of New Bedford; and all the Nantucket ships, except one, were in the Pacific Ocean. He estimated the annual value of the fisheries in the Pacific Ocean, to Nantucket and New Bedford alone, at \$1,500,000, and the oil

DECEMBER, 1832.]

Occupation of Columbia River.

[H. OF R.]

and bone which had been brought to both places, since the last war, exceeded \$6,000,000; and that the number of seamen employed was 2,500. He also stated that there were three fine ships from Martha's Vineyard, employed in this fishery. He also stated that sea elephants and cod had been found in abundance on the coast of California.

In answer to one of the queries of Mr. B., respecting the number of mechanics to whom this business gave employment, Mr. Hawes said, that he did not know that he should overrate, if he said that it gave employment to all the mechanics of both places. And he expressed his conviction that he had not in his estimates of the value of this fishery exceeded the truth. He also stated that the whale fishery in the South Pacific was failing; and that in future they must look to the North Pacific for successful fishing where there were spermaceti whales, right whales, and sea elephants in great abundance. He concludes his letter thus:

"A settlement at the Columbia River, if properly conducted, would insure to our nation an immense source of wealth. A company of traders and navigators, there settled, might have small vessels of from 100 to 150 tons; with these vessels at home, they could explore the coast, and each fishery could be pursued in its proper season. The right whales come into the harbors and bays on that coast to bring forth their young; at that season they will make the most oil. The sea elephants are there found in abundance. I have no doubt seal skins can be obtained in plenty in their season; this I am certain of, if we are permitted as far north as the Fox Islands, latitude 52° 53' north, if we have proper vessels for taking them. The seals are nearly all destroyed in the South Pacific, where the weather is warm and mild; large ships could send there open boats and take them; but to the north the business cannot be carried on in the same manner. There must be small vessels to search out the harbors. Seal oil is an important article, if taken near a settlement; to save this oil in its purity it must be headed and put into vats; like other blubber, it must not be boiled. Great quantities of different oils might be procured by the settlers, in their neighborhood, and preserved in the ground; it is the best way to preserve oil, and saves the expense of casks; it would be an object for our merchant vessels to take their cargoes from the tanks of the settlement. The fisheries in the South Pacific are failing: it is from the North we must look for good voyages; this will lengthen voyages already too long. It is my opinion that a settlement on the Northwest will greatly increase our fisheries, our commerce, our seamen, and the revenue; and, if I was twenty years younger, I should like to be one of the first settlers."

Mr. B. then produced another letter from this gentleman of a subsequent date, from which he read the following extract: "Since my last I have learned from a very intelligent shipmaster who has recently arrived from Valparaiso, that a vessel loaded with spars from Columbia River had arrived there and found a good market. I am led to believe with him that lumber trade from the settlement at the mouth

of that river to Peru and Chili must be made profitable, as there is not any wood in either of those places proper for spars. I have known spars carried from the island of New Zealand to those places, which paid a very great freight."

Mr. B. then read another statement, addressed to the collector by a gentleman in his vicinity, in which the number of ships employed in the whale fishery of the Pacific Ocean from all the ports in New England and New York, were estimated at one hundred and twenty-nine, averaging about three hundred tons each, valued at the time of sailing, at one hundred dollars per ton, amounting to three millions eight hundred and seventy thousand dollars; and confirming the statement of the collector that the most profitable whale fishing was now in the North Pacific, between the latitudes of thirty-eight and forty-eight. Yet, sir, notwithstanding the immense value of the whale fishery in the Pacific Ocean; notwithstanding the immense value of the fur trade on the long line of its shore, from Cape Horn to Anaslaska; there is not a solitary port at which our vessels can enter, to refit or procure supplies, unless it be by permission and the payment of duties. To the courtesy of the Spaniards and the fears of the native Indians we have hitherto been indebted for all the facilities which have been afforded to our shipping. I should have thought, sir, that during the last war, this country had received a lesson at Valparaiso which would have induced us to establish some place on this coast for the security and protection of our ships. In the event of another war with Great Britain, it may be relied on as a certain truth that in Chili, Peru, and Mexico, the influence of Great Britain will be the predominating influence, and the miserable Creoles who inhabit these shores will connive, as they have done, at the violation of their independence and their neutrality; they will suffer our vessels to be captured under the guns of their batteries. Nay, they will do more—they will permit the titled marander, who commands their navies, to plunder our merchants, and will share in the plunder. If we neglect those means of protection which we have in our power, let us not complain if the bloody flag of the pirate should wave in triumph over that mighty ocean, if it should be lighted up with the blaze of our burning vessels, and if the whole of that trade which now gives employment and wealth to thousands of our citizens should be annihilated.

I have heard it said, Mr. Speaker, as well out of as in the House, that by the adoption of this measure the limits of our empire would be extended too far, and that the Union itself would be exposed to the danger of dismemberment. If it were so, it would be well worth consideration whether the experiment would justify the hazard. But, sir, in my opinion, the unity of this nation depends in some measure upon its extension. There is less danger of separation in a confederacy of twenty or thirty States than in one of a smaller number. If the Union were

composed of but two States, they would inevitably separate, or one of them would conquer the other. In like manner, if there were only two interests in the country—a Northern and a Southern interest—a slaveholding and a non-slaveholding interest—the hazard of separation would be greatly increased. But, by multiplying and extending the States of the Union, you will create so many different interests that they will neutralize each other. On some questions the interest of the Eastern and Southern States might be found to be the same; others the Eastern and Western; others the Middle States and the Southern, Eastern, and Western, and so on; and so conflicting interests which might arise from time to time (so great at times as to threaten dismemberment) be rendered less dangerous, and the angry passions of the few be controlled by the sober feelings of the majority.

Sir, continued Mr. B., I have heard another objection to this measure. It is said that the chances of war might be increased by the establishment of this post on the Pacific. I have indeed heard that the Emperor of Russia has claimed all the Northwest coast, down to the fifty-first degree of North latitude and one hundred Italian miles south of that; and that he has also set up a claim of a character so monstrous that no people in their senses can admit it. He claims, sir, all the Pacific Ocean, from that degree of latitude on the American coast, to a corresponding point on the Asiatic, under the pretence that it is a close sea. A close sea! and four or five thousand miles in width! and by his Imperial ukase has subjected all vessels to confiscation which shall be found within those limits! If this be the fact, (and there is no doubt of it,) the time has arrived when we are bound to strengthen ourselves in that region. This measure is one, not of expediency, but of necessity.

Mr. Speaker, we *have* the ability to protect our trade on that ocean. During the last war, Commodore Porter, with a single frigate, for a long time effectually protected our trade, and had materially annoyed that of the enemy. It is unwise in us to despair of our ability to do this. Arguments founded upon what *may* happen would go equally to prove the futility of establishing a navy, which might be captured by the adversary, and so add to his naval strength as to evince the fruitlessness of building vessels for trade, because they may be taken. If a measure be right in itself, it is unwise to reject it because its beneficial effects *may* be defeated by a war. Had we always acted from such policy, we should never have built a navy, nor suffered a merchant vessel to cross the ocean.

The maxim of the Romans, *never to despair of the Republic*, was a maxim of wisdom as well as of courage. If we are to suffer this territory to remain a barren waste, the desire we had to extend our nominal limits to the western waters was vain and childish. Were it not ours some other nation would have occupied it; civilization would have commenced, and the means of increasing the happiness of man would have

been extended. It is the duty of civilized nations, who have acquired a savage country, to cultivate it, to reclaim its wandering aborigines, to draw them from their forests, to condense their population, and to convert them, if not into farmers, at least into shepherds and herdsmen; and if, after making every honest effort to improve their condition, they still continue to be obstinately hostile, never to hesitate at the adoption of means necessary to secure the civilized race in their possessions.

Mr. BAYLIES adverted to the importance of that branch of our commerce which is known by the name of the Northwest trade. He said he did not know but that it was of more value than the whale fishery; and, like that, it grew out of nothing; labor was its capital. The foundations of some of the most princely fortunes in Boston, were laid in that trade. Vessels would sail from ports in the United States sometimes, as he was told, with small assortments of hardware, scarcely exceeding \$5,000 in value; and with such articles a traffic for furs is carried on with the natives of the Northwest Coast; in their passage from that coast to China they have touched at the Sandwich Islands, and completed their lading with sandal wood; those articles and ginseng being the only ones which were salable in the Canton market, with the manufactured goods and teas of China. They had proceeded to South America, and, with the specie obtained from their sales there, would return again to China; and, after performing a circuit of adventure, perhaps for five or six years, return home with their original five, six, or ten thousand dollars increased to two hundred thousand dollars.

But more magnificent prospects, Mr. Speaker, open upon our view in relation to the commerce of the Pacific Ocean. The practicability of a water communication which should unite the two oceans, the Atlantic and the Pacific, has been alluded to by the gentleman from Maryland, (Mr. WRIGHT.) To some, this scheme may appear visionary; but the Baron Humboldt, one of the most scientific and intelligent of travellers, has pointed out five places at which the junction of the different waters might be effected; he had no doubt of its perfect practicability. In less than thirty years, this communication will be made. If a broad and capacious ship-channel cannot be formed, it will certainly not be difficult to make a channel for boat navigation. In either case, a change will be effected in the affairs of the world more stupendous in its consequences than any which has happened since the discovery of America. Two great cities at the extremities of this canal would be the depots of the commerce of both hemispheres. A voyage from Pensacola or New Orleans to China could be effected in less than fifty days. Space and distance would be conquered, and the ends of the earth would be brought together. There never was a fairer field for the enterprise of the mariner than that which the Pacific Ocean presents. It is seldom disturbed by

DECEMBER, 1822.]

Occupation of Columbia River.

[H. OF R.]

storms; over an immense space a perpetual summer reigns; and it has been demonstrated to be susceptible of navigation for nearly five thousand miles in an open boat. The mutiny on board the British ship *Bounty*, must be well recollected, and the passage of Captain Bligh from the South Sea islands to Timor. It would afford the safest steamboat navigation in the world, and the time would come when the fires of thousands of those conquerors of time, and the elements, would illuminate the long tract of its waters.

It has been said, Mr. Speaker, continued Mr. BAYLES, that this is a colonizing plan, and that colonizing is not good policy for this nation. The bill under consideration does not contemplate a colonial settlement. The territory proposed to be occupied, is already a part of the United States. But suppose it is such a plan. Let us look to history and see what have been the effects of systems of colonization.

The colonizing States of ancient times were the most powerful. Carthage was one of the most considerable of them, and it was with the wealth which she derived from her colonies, that she was enabled to contend so long against the colossal power of Rome.

The great colonizing nations of modern Europe have been Spain, Portugal, Holland, France, and England; and which of these nations has suffered in consequence of the extension of their colonies? It has been said that Spain has lost her strength, her population, and her riches. By referring to the history of that monarchy it will be found that it was originally divided into a number of independent and petty kingdoms, possessing neither strength nor consistency, which were finally united by the marriage of Ferdinand and Isabella, in whose reign America was discovered. In the reign of their successor, the Emperor Charles V., Spain began to colonize America. From the great actions in which that monarch was engaged, a fictitious grandeur was thrown over Spain. He was rather the Emperor of Germany, King of Bohemia and Sovereign of the Low Countries, than King of Spain. Upon his abdication his successor was left with dismembered territory and diminished power, yet the colonies of Spain continued to flourish and increase, and Spain remained a principal power in Europe. It is now undeniably true, that the weight and influence of Spain have been materially diminished; yet the colonies, instead of exhausting, have furnished the aliment of her existence, the wealth which for a long time she drew from America, upheld her tottering power, and recruited her wasting strength. The population of Spain is as great at this day as ever.

There are as many men to fill the ranks of her armies, as there were in the proudest day of her glory. But, sir, her moral energy has departed; it has been buried in the cells of the Inquisition; it has been prostrated at the feet of the priests. Bigotry has sat upon the bosom of that nation like the nightmare, and every noble and patri-

otic feeling has been paralyzed; but, sir, her colonies have not diminished her wealth, her population, or her power. Portugal, a kingdom scarcely exceeding the smallest of our States in territorial extent, with a population less than 2,000,000; in consequence of the wealth and strength of her magnificent colonies, has always maintained a high standing amongst the nations of Europe. When the storm which recently desolated that Continent burst upon her head, the mother was protected by the child; her fallen throne was reared, and her wandering monarch was sheltered in America. Brazil has worn the metropolitan honors of Portugal. Holland, in extent, was scarcely equal to the State of Maryland; yet she soon became the first of the colonizing nations, and by her wise and sagacious policy she gave bread and riches to her people, when her territory could have hardly afforded them subsistence; she ravished the India trade from the Portuguese, she established her colonial system on a solid basis; "her merchants were princes," and in the continental wars of the last century, the Bank of Amsterdam was more terrible than "an army with banners." Her wealth enabled her to hold the balance of European power; she supplied the world with money, and the coffers of her merchants materially aided the cause of American Independence. Holland has passed for a time under a foreign yoke; but colonization certainly did not produce that degradation. She became too rich, and with the fear of losing, and with the hope of preserving her wealth, she submitted; she yielded her independence in the vain hope that her dollars might be spared.

France, in looking back to the numerous and powerful colonies which once acknowledged her dominion, must feel, one would think, the most poignant regret. Canada, Nova Scotia, Louisiana, St. Domingo, the Isle of France, Pondicherry, &c., were the brightest jewels in the Crown of the Bourbons, and, in the proudest day of her revolutionary and imperial triumphs, her people sighed when they remembered that the days of her colonial grandeur were the days of her happiness. The restless ambition of her Kings lost many of these colonies to France; and after the restoration of one, which now forms one of the fairest portions of the American Republic, the necessities of the Emperor Napoleon (perhaps the necessities of ambition) induced him to sell it to the United States for money! Yet, Napoleon never uttered words of more wisdom, than when he said, "I want ships, commerce, and colonies." The elasticity of the French character is one of its finest traits. A Frenchman never despairs; he never loses sight of the smallest national advantage; and France is even now, after the exhaustion produced by a war of twenty-five years; after the burdens which have been imposed on her people, by the unsuccessful termination of her contest with United Europe, preparing such means as she has to establish another colony in the Island of Madagascar.

Was Great Britain more powerful, wealthy, and happy, before she began to colonize, than now? I think not. The magnificent system of colonization commenced in the reign of Queen Elizabeth. During the reign of that extraordinary female, the minds of her subjects received a new and momentous impulse. The romantic spirit of adventure was abroad. Religion, ambition, enterprise, and avarice, all conspired to lead the pious, the aspiring, the bold, and the rapacious, to explore those vast but distant regions, which had been opened to the view of Europe, and from that time she has been growing in wealth, in grandeur, in population, and in power, in a ratio which almost defies calculation. Thirteen of her colonies now form a powerful nation, glorying in their independence, and defying her power; and notwithstanding all her exhausting wars, and all the drain of her colonial emigration, she was never more populous, more wealthy, or more powerful, than she is at this day. I know, sir, that much has been said of the magnitude of her national debt, and her ruin has again and again been predicted. The debt, sir, in my opinion, is a proof of the wealth of the nation. It is due from the nation in the aggregate, to its individual subjects, and surely they must have been a rich people who were able to lend to their Government an amount of money so enormous. Is this nation in debt to other nations? Half the nations in Europe have been, and still are, indebted to her. Inspect the balance sheets of her merchants, and the whole trading world will be found to be their debtors. She has riches on her surface, she has riches under her surface; and cultivation has exhausted all its powers on her soil.

I have advanced these historical facts, Mr. Speaker, to show, as I think I have conclusively shown, that colonization does not impair the strength, or diminish the wealth of nations.

I hope, sir, I shall not be considered too enthusiastic on this subject; it is one which I have much at heart. Afflicted as I am with a severe cold, it is painful for me to speak, yet I will make an effort to add a few words more.

If the worst that has been predicted should happen; if the population beyond the Rocky Mountains should wish for independence, and should be able to effect it, would it not be better that it should be amicably conceded? And ought we to regret it? Sir, I think not. Most of the nations of the earth have been anxious to transmit the evidence of their greatness and renown to posterity. It is a natural desire and passion; for this purpose the triumphal edifices of the Romans were reared; for this purpose the pyramids of Egypt were erected; for this purpose the world is filled with the monuments of art; but, with a nation of kindred blood, governed by laws similar to yours, cherishing your principles, speaking your language, and worshipping your God, you may rear a monument more magnificent than the Arch of Trajan, more durable than the pyramids; a living, animated, and everlasting monument of your glory and

your greatness. I should delight to know that in this desolate spot, where the prowling cannibal now lurks in the forest, hung round with human bones, and with human scalps, that the temples of justice and the temples of God were reared, and man made sensible of the beneficent intentions of his Creator.

Will none of the living witness scenes like these? There are now living witnesses of scenes more wonderful—I might say more miraculous.

Every gentleman within these walls will recollect the splendid sally of eloquence which was elicited from Edmund Burke when describing the progress of North America from a state of colonial infancy to manhood. Yet we have now living witnesses of scenes which even the glowing mind of Burke could not have imagined or conceived; men who have seen the country of which they were natives rise from the rank of humble colonies to that of a mighty empire; who have seen a commerce which in their youth crept along our shores in miserable boats, gleaming a few wretched articles from a poverty-stricken country, spreading their sails to every breeze, and "invading the ice of either pole," who have seen a population of scarcely six hundred thousand swelled into ten millions; a population which, in their youth, extended scarcely a hundred miles from the ocean, spreading beyond the mountains of the West, and sweeping down those mighty waters which open into regions of such matchless fertility and beauty.

Some now within these walls may, before they die, witness scenes more wonderful than these; and in aftertimes may cherish delightful recollections of this day, when America, almost shrinking from the "shadows of coming events," first placed her feet upon untrodden ground, scarcely daring to anticipate the grandeur which awaited her. Let us march boldly on to the accomplishment of this important, this useful, and this splendid object, and, my word for it, no one who gives his vote for this bill will repent. On the contrary, he may consider it as one of the proudest acts of his life.

Mr. TUCKER said that he had intended to give a silent negative to the bill; but when he witnessed the singular spectacle of three long and eloquent speeches made in support of it, and no member rising against it, though there were such strong symptoms of opposition to the measure, he thought it due to a frank and manly course of legislation, and respectful to the friends of the bill, to state his objections to it, regretting, however, that the task had not devolved on some person more competent and better prepared than himself. Mr. T. said he did not object to the occupation of the mouth of Columbia River because he considered it visionary and unfeasible, for he thought it but too practicable, but because it was calculated to draw off our population and capital to a point where they will be less efficient and useful than at present, and where they must eventually be lost to these States. I also agree, said Mr. T., with the

DECEMBER, 1822.]

Occupation of Columbia River.

[H. OF R.]

gentleman who introduced the bill, (Mr. FLOYD,) that we cannot arrest the progress of our population to the West. In vain may the Government attempt to set limits to its course. It marches on with the increasing rapidity of a fire, and nothing will stop it until it reaches the shores of the Pacific. We have some *data* by which we may estimate this progress. Our population has been found to double in something less than twenty-five years. Now, if our settlements have advanced westwardly five hundred miles in that period, (and few would estimate it so low,) then, in the next twenty-five years, we shall have advanced one thousand miles, and, in the twenty-five years after, two thousand miles; which, in a right line, would bring us in the Pacific Ocean. Thus, in less than half a century, the people of these States will have spread themselves across this continent, and many now living will see the vision of the gentleman from Massachusetts realized, of Christian churches and temples of justice reared in the wilderness, now exclusively occupied by savages. But while I consider this progress of our population to the West as inevitable, I have no wish to accelerate it, because, in the nature of things, the people on the east and the west side of the Rocky Mountains must have a permanent separation of interests.

The whole country, said Mr. T., lying east of the Rocky Mountains, is bound together by the strongest and most indissoluble ties. It is all Atlantic country, and that extensive commerce which is so beneficial to the different parts must all be carried on, on the Atlantic. Nor is this all. Those immense and fertile regions which are drained by the Missouri and Mississippi, have but one outlet for their surplus products, one channel for their trade, and they must owe the secure enjoyment of it to the States lying on the Atlantic, as they alone can furnish the seamen which a navy requires. We are thus held together by the strong bands of commerce and mutual defence. But not so with the population west of the Rocky Mountains. Their rivers, emptying themselves into the Pacific, their trade will naturally be with China, Japan, and the Philippine Islands. They will not only be invited to this trade by their local position, but by the circumstances of their situation. Commerce is never so profitable as when it is carried on between a newly settled country in which land is fresh and easily obtained, and one in which a dense population has made manufactures cheap and abundant. The people on the Pacific will then find their best employment in exchanging their lumber, and bread stuffs and provisions of all sorts, for the manufactures of China and Japan. They can have no inducement to trade with us. What common interest can they have with us on the Atlantic? The connection would be an inconvenience and a burden to both. If we invite people there we must protect them until they are able to protect themselves, and this protection would be to us expensive, and to them, on account of the distance, often tardy

and inadequate. If the proposed settlement is to be incorporated into the Union, it is without example for a country to have a part of its territory so remote from the rest. From the mouth of the Mississippi to the mouth of the Columbia, I believe the distance to be about four thousand miles by any route that is now known.

Mr. T. said, the gentleman from Massachusetts has endeavored to derive aid to the bill by insisting on the advantages of colonies. Sir, when the mother country has a monopoly of their trade, they may increase its maritime strength and its commercial wealth, but in other respects they are uncongenial to our Republican institutions. To preserve their independence, it would be necessary to give large discretionary powers to those who govern them, and I have no wish to see introduced among us those distant pratorships whose effects were so pernicious in the Roman Empire.

Mr. T. said he was aware of the great advantages of the whale fisheries and the fur trade; he believed that no employment of our ships or seamen was so gainful as these. But he thought that the communications read by the gentleman from Massachusetts, (Mr. BAYLIES,) showing that most of the whales and seals were now taken in the South Pacific, though, from the growing scarcity of whales in that ocean, they might be obtained in greater abundance in the Northern Ocean. [Mr. BAYLIES said the gentleman from Virginia was mistaken, and made an explanation.] Mr. T. continued: Admitting that I am mistaken in that fact, and that our whale and seal ships are in the neighborhood of the mouth of the Columbia River, this trade requires not your protection or encouragement. There has been no document laid before the House to show that it is required or even asked for. If protection were required, I should be as ready to vote for it as any member of this House; but even then I should only be for establishing a military post. The advocates for the bill say there is no port on the whole coast of the Pacific in which our vessels have a right to enter and refit. But, if I am not mistaken, our citizens have not only found it practicable to refit their ships on the Columbia River, but they have even built vessels there. At all events those who are concerned in the trade have not complained of this inconvenience, and, until they do, I am not for inviting a settlement which, before very long, must, in the nature of things, be lost to this nation. Mr. T. said such were his honest views of the bill, and he felt himself bound to disclose them, professing himself ready to abandon them if they should be shown to be erroneous.

Mr. FLOYD rose, and, in order to accommodate the wishes of some gentlemen, who desired time to consider this subject, and also because a resolution had been this day laid on the table calling for further information on the subject, moved that the further consideration of this bill be postponed to the second Monday in January.

This motion was agreed to, and the House adjourned.

THURSDAY, December 19.

Presentation of Medals by George W. Erving, Esq., late U. S. Minister to Spain.

Mr. ALEXANDER SMYTH, from the Joint Library Committee, to whom was referred the letter of George W. Erving, Esq., accompanying a collection of medals, reported that they have had the same under consideration, and recommend the adoption of the following resolution :

Resolved, That the Speaker be directed to express to George W. Erving, Esq., the thanks of this House for the liberal donation of French and American medals made by him to Congress, for the use of the National Library.

The report being read, the question was taken to concur in the resolution therein submitted, and passed in the affirmative unanimously.

The following letter and catalogue accompanied the report :

Boston, July 4, 1822.

SIR : The letter which I had the honor to address to you on the 4th July, 1819, and which Mr. Lowndes was so obliging as to take charge of and deliver, was intended to have been accompanied by the collection of medals therein referred to, but this was unfortunately lost on board the ship "Factor," bound to New York ; of which accident it appears that the House was duly informed by its committee. As soon as I heard of it, I endeavored to procure a duplicate of the collection, and succeeded, a few days before I left Paris, in April last. This, together with the medals which have been struck at Paris to commemorate some principal events of, and men distinguished in, our Revolution, I take the liberty, through you, sir, of herewith sending and offering to Congress for the use of the National Library.

With sentiments of the highest respect, &c.

GEORGE W. ERVING.

To the Hon. the SPEAKER
of the House of Representatives.

P. S. A principal catalogue of the French medals is enclosed in the case which contains them. The American medals are but five, proper, viz : One of General Washington at the siege of Boston ; one of Doctor Franklin ; one of Paul Jones ; two of the battle of the Cowpens. To these I have thought it well to add Columbus and Kosciuszko, taken from the collection of illustrious men deceased, now publishing in the French Mint. G. W. E.

MONNAIE DES MEDAILLES.

Collection des Médailles en bronze, des campagnes et du règne de l'Empereur Napoléon.

DESIGNATION DES MEDAILLES.

- 1796 Bataille de Montenotte.*
Bataille de Millésimo.
Bataille de Castiglione.
- 1797 Reddition de Mantoue.
Capitulation de Mantoue.*

- 1797 Passage du Tagliamento.
Traité de Campo-Formio.
- 1798 Conquête de la Basse-Egypte.*
Conquête de la Haute-Egypte.*
L'Egypte Conquise.*
- 1799 Retour à Fréjus.*
- 1800 Passage du Grand Saint-Bernard.*
Bataille de Marengo.
Mort du Général Desaix.
Colonne Départementale.
Colonne nationale.
Le Quai Desaix.
Honneurs rendus à Turenne.
Attentat du trois Nivose.
- 1801 Paix de Lunéville.
Autre sur le même sujet.
- 1802 Paix d'Amiens.
Autre sur le même sujet.
Rétablissement du Culte.
Organisation de l'Instruction publique.*
- 1803 Négociations avec l'Angleterre.*
Conquête du Hanovre.*
La Vénus de Médicis.*
Les Ecoles de Pharmacie.*
La Fortune Conservatrice.*
Le Musée Napoléon, { Salle de l'Apollon.*
(2 medals.) { Salle du Laocoon.*
La Légion d'Honneur.*
L'Ecole des Mines du Mont-Blanc.*
Le Camp de Boulogne.*
Construction des deux, mille Barques.*
Le Code Napoléon.*
- 1804 Le Couronnement à Paris.* (4 medals.)
Le Sacre.*
Repas donné par la ville de Paris.
Fêtes du Couronnement.
Distribution des Aigles.*
La Monnaie des Médailles rétablie.*
Société Centrale de Vaccine.*
- 1805 Visite du Pape Pie VII.*
Couronnement à Milan.*
Le Tombeau de Desaix.*
Autre, avec inscription.*
La Ligurie réunie à la France.*
Les Ecoles de Médecine.*

Première Campagne d'Autriche.
- 1805 Levée du Camp de Boulogne.*
Allocution sur le Pont du Lech.*
Capitulation d'Ulm et de Memmingen.*
Prise de Vienne et de Presbourg.*
Reprise des Drapeaux à Inspruck.*
Bataille d'Austerlitz.*
Les trois Empereurs.*
Entrevue des deux Empereurs.*
Députation des Maires de Paris et Schœnbrunn.
Paix de Presbourg.*
Cathédrale de Vienne.*
Conquête de Venise.*
- 1806 Conquête de l'Istrie.*
Conquête de la Dalmatie.*
Conquête de Naples.*
Souverainetés données.*
Mariage du Prince de Bade.*
Colonne de la Grande Armée.*
L'Arc de Triomphe.*

Campagnes de Prusse et de Pologne.
- 1806 Confédération du Rhin.*
Bataille d'Iéna.*

December, 1822.]

Road through the Black Swamp, in Ohio.

[H. OF R.]

- 1806 Autre sur le même sujet.
Entrée à Berlin.*
Capitulation des quatre Fortereses de la Prusse.*
Alliance avec la Saxe.*
Occupation de Hambourg.*
- 1807 Les Aigles Françaises sur la Vistule.*
Bataille d'Eylan.*
Séjour à Ostérode.*
Bataille de Friedland.*
La Victoire du 14 Juin.*
Occupation des trois Capitales.*
Conquête de la Silésie.*
Paix de Tilsit.*
Le grand Duché de Varsovie.*
Le Royaume de Westphalie.*
Mariage du Roi de Westphalie.*
Réunion de l'Etrurie à l'Empire.*
Le Simplon.*
Route de Nice à Rome.*
L'Aigle couronnée.*

Campagne d'Espagne.

- 1808 L'Entrée à Madrid.

Seconde Campagne d'Autriche.

- 1809 Rupture du Traité de Presbourg, et Batailles d'Abensberg et d'Eckmühl.*
Départ de Paris, et entrée à Vienne.*
Bataille d'Easling, et passage du Danube.*
Prise de Raab.*
Attaque d'Anvers, et Séjour à Schoenbrunn.*
Réunion de l'Etat Romain à l'Empire.*
Rome seconde Capitale.*
Conquête de l'Illyrie.*
Bataille de Wagram.*
Paix de Vienne.*
Visite du Roi de Saxe à la Monnaie des Médailles.*
- 1810 Visite du Roi et de la Reine de Bavière à la Monnaie des Médailles.*
Mariage de l'Empereur.* (4 medals.)
L'Amour emportant le Foudre.*
Visite du Grand Duc de Wurtemberg à la Monnaie des Médailles.
Statue de Desaix.*
Le Canal de l'Oureq.*
Orphelines de la Légion d'Honneur.*
Pompe Funèbre du Duc de Montebello.
- 1811 Naissance du Roi de Rome.*
Baptême du Roi de Rome.
Le Roi de Rome.* (8 medals.)

Campagne de Russie.

- 1812 Prise de Wilna.*
Bataille de la Moskowa.*
Entrée à Moscou.*
Les Aigles Françaises sur le Borysthène.*
Les Aigles Françaises sur le Volga.*
Retraite de l'Armée.*
Fondation de l'Ecole des Beaux Arts à Rome.
- 1813 Bataille de Lutzen.*
Bataille de Wurtchen.*
Le Monument du Mont Cenia.*
- 1814 Février, 1814.*
- 1815 Retour de l'Empereur.*
L'Impératrice Marie Louise.*
La Princesse Elisa.*
La Princesse Pauline.*

- 1815 La Reine de Naples.*
La Reine Hortense.*

NOTE.—Those marked thus (*) were ordered by the Government, and designed and executed under the direction of M. Denon.

MONDAY, December 28.

A new member, to wit, from Pennsylvania, DANIEL UDREK, elected to supply the vacancy occasioned by the death of Ludwig Worman, appeared, produced his credentials, was qualified, and took his seat.

Mr. Erving and the Medals.

The SPEAKER communicated to the House the following letter :

WASHINGTON, December 21, 1822.

SIR : I am highly sensible of the honor which I have received in your official letter of yesterday, acquainting me with the resolution which the House of Representatives has deigned to pass, in reference to the contribution towards a cabinet of medals, for the use of the National Library, which I ventured to present to it.

I beg you, sir, to accept my best acknowledgments for the very obliging terms in which you have communicated that resolution, and for the personal sentiments with which you have been pleased to accompany it. With very great respect, &c.

GEORGE W. ERVING.

HON. PHILIP P. BARBOUR,

Speaker of the House of Representatives.

The letter was read, and laid on the table.

Road through the Black Swamp, in Ohio.

On motion of Mr. VANCE, the House then resolved itself into a Committee of the Whole, on the following bill :

A Bill for laying out and making a road, from the lower Rapids of the Miami of Lake Erie to the Western boundary of the Connecticut Western Reserve, in the State of Ohio, agreeably to the provisions of the Treaty of Brownstown.

Be it enacted, &c., That the State of Ohio is hereby authorized to lay out, open, and construct a road, from the lower Rapids of the Miami of Lake Erie to the Western boundary of the Connecticut Western Reserve, in such a manner as the Legislature of said State may by law provide, with the approbation of the President of the United States, which road, when constructed, shall forever remain a public highway.

SEC. 2. That, in order to enable the State of Ohio to open and construct said road, a tract of land, of one hundred and twenty feet wide, whereon to locate the same, together with one mile on each side thereof, and adjoining thereto, to defray the expenses of making said road, is hereby granted to said State, to commence at the Miami Rapids, and terminate at the Western boundary of the Connecticut Western Reserve, with full power and authority to sell and convey the same, and apply the proceeds to the making of said road ; and in case the said tract of land shall sell for a greater sum than shall be sufficient to complete such road, then the residue thereof shall remain with the State of Ohio, as a fund for the purpose of keeping said road in repair.

SEC. 3. That, in case any of the lands, through which it may be thought expedient to open said road, may have been previously sold by the United States, the Secretary of the Treasury is hereby directed to pay such officer as the State of Ohio may appoint for that purpose, the net proceeds of the sales of a quantity equal to one mile on each side of said road.

SEC. 4. That, whenever the Governor of the State of Ohio shall have laid before the President of the United States a survey of the location of said road, and the President shall have approved the same, then the right of the State to said tract of land shall be considered as complete, for the purposes aforesaid; and the President shall direct, that, until the first day of June, one thousand eight hundred and twenty-three, none of the public lands shall be sold, within three miles on each side of a line, to be drawn direct from the foot of the Rapids of the Miami of Lake Erie to the lower Rapids of Sandusky, thence to the Western boundary of the Connecticut Western Reserve.

On a call for information of the grounds and object of the bill—

Mr. VANCE briefly stated them, as they stand in the report of the committee accompanying the bill; from which it appears, that the treaty referred to in the bill was concluded on the 25th day of November, 1808, and that its exclusive object appears to have been to obtain the establishment of a practicable and convenient road from the interior settlements of the United States to those of the Territory of Michigan. Many of the tribes of Indians with whom that treaty was concluded, were, in virtue of previous treaties, entitled to receive, within that Territory, large annuities. There never had been any artificial road leading to it, except through the province of Upper Canada. Delays had, consequently, occurred in the transmission of those annuities, and reiterated complaints were made because they were not received, or, if received, frequently damaged. To obviate such difficulties, and in the expectation that many important advantages would result to them, from a measure which promised to bring them more immediately under the observation and protection of the Government, the Indians, parties to the treaty, without any other remuneration than such incidental benefits as they anticipated from the establishment of the proposed road, voluntarily ceded to the United States a tract of land of one hundred and twenty feet in width, extending from the "foot of the Rapids of the Miami of the Lake," to the western line of the "Connecticut Western Reserve," and all the land within one mile of said tract, on each side of it; and also another tract of land, of one hundred and twenty feet in width, extending from Lower Sandusky, southwardly, to the boundary line established by the Treaty of Greenville. Afterwards, in September, 1817, the Treaty of the Rapids of the Miami was concluded, (2d Session, 15th Congress,) by the subsequent ratification of which, the Indian title to the whole country within which the contemplated roads were to be located became vested in this Government. The

Black Swamp, so celebrated in the annals of our recent history, is an extensive morass, which winds round the southeastern border of Michigan; it terminates, on the north, at the border of Lake Erie, comprehending a width of about thirty miles. It extends so far southerly and southwesterly, as to interrupt all communication by land between the settlements in Michigan and those in the interior of the United States. No reliance, however, can be placed upon the individual industry of that country to construct a road over such a morass. The construction of a road must *precede* the establishment there of any considerable population, &c. The land which was asked for, Mr. V. said, was of no value to the United States at present, and could be of none until the road was made. An appropriation of land was asked for this purpose, because it was supposed it would be more readily granted than an appropriation of money. Had this road been made before the late war, Mr. V. said, millions of dollars would have been saved to the United States; and, if we should be again at war with the owners of Canada, it would be more important to this Government than any fortification, however costly, in any part of the United States. At present, for more than six months of the year the road was wholly impassable; and at the time the ordinary course of travelling to get into the State from Michigan, &c., was to go through Canada, &c. The road was of comparatively little importance to the State of Ohio, passing along her margin only, but it was of vast importance to the Territory of Michigan, &c.

On motion of Mr. SLOANE, of Ohio, the bill was amended, by adding, to the end of the third section, the words "at the minimum price."

On motion of the same gentleman, the bill was further amended, by adding to the bill a proviso that nothing in this bill contained should be construed to authorize the State of Ohio to claim any money from the Treasury for the making this road, except moneys arising from the sale of the land designated in the bill.

On motion of Mr. VANCE, the latter part of the fourth section, beginning with the words "And the President," &c., was stricken out.

Thus amended, the bill was reported to the House; and then, on motion of Mr. VANCE, who wished to give full time to gentlemen to examine the bill and report, &c., the bill was for the present ordered to lie on the table.

TUESDAY, December 24.

Another member, to wit, from Massachusetts, GIDEON BARNSTOW, appeared, and took his seat.

State of the Finances.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the annual report from that department on the state of the finances; of which, on motion of Mr. MOLANZ, five thousand copies were

December, 1822.]

State of the Finances.

[H. OF R.]

ordered to be printed for the use of the House.
The report is as follows:

In obedience to the directions of the "Act supplementary to the act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report:

1. *Of the public revenue and expenditure of the years 1821 and 1822.*

The net revenue which accrued from duties on imports and tonnage, during the year 1821, amounted to \$15,894,484 42.

The actual receipts in the Treasury, during the year 1821, including the loan of \$5,000,000, amounted to - - - \$19,578,703 72

Viz:

Customs - \$18,004,447 15

Public lands exclusive of Mississippi stock - - - 1,212,966 46

Arrears of internal duties and direct tax; dividend on stock in the Bank of the United States, and other incidental receipts 356,290 11

Loan authorized by act of the 3d of March, 1821, including a premium of \$264,708 70, gained on the same - - - 5,000,000 00

Making, with the balances in the Treasury, on the 1st of January, 1821, of - - - 1,198,461 21

An aggregate of - - - 20,772,164 98

The expenditures during the year 1821, amounted to - - - 19,090,572 69

Civil, diplomatic, & miscellaneous \$2,241,871 54

Military service, including fortifications, ordnance, Indian department, Revolutionary and military pensions, arming the militia, and arrearages prior to the 1st January, 1817 - - - 5,162,364 47

Naval service, including the gradual increase of the Navy - - - 3,819,243 06

Public debt - - - 8,867,093 62

Leaving a balance in the Treasury, on the 1st of January, 1822, of 1,681,592 24

The actual receipts in the Treasury, during the three first quarters of the year 1822, are estimated to have amounted to \$14,745,408 75.

Viz:

Customs - \$12,648,983 15

Public lands, exclusive of Mississippi stock - - - 1,298,484 56

Arrears of internal duties and direct tax, dividend on stock in the bank, and other incidental receipts - 391,871 76

Balances of appropriations for the War and Navy Departments, returned to the Treasury, and carried to the surplus fund - 406,119 28

The actual receipts into the Treasury, during the 4th quarter, are estimated at - 5,000,000 00

Making the total estimated receipts into the Treasury during the year 1822 - - - 19,745,408 75

And with the balance in the Treasury, on the 1st of January, 1822, forming an aggregate of - 21,427,000 99

The expenditures during the three first quarters of the year 1822, are estimated to have amounted to \$12,278,653 82.

Viz:

Civil, diplomatic, & miscellaneous \$1,536,484 24

Military service, including fortifications, ordnance, Indian department, Revolutionary and military pensions, arming the militia, and arrearages prior to 1st January, 1817 - - - 4,980,210 56

Naval service, including the gradual increase of the Navy - 1,538,952 00

Public debt - 4,278,056 52

Expenditures during the fourth quarter, including the redemption of the \$2,500,000 of six per cent. stock of 1820, are estimated at - - 6,000,000 00

Making the total estimated expenditure of the year 1822 - - 18,278,653 82

And leaving in the Treasury, on the
1st of January, 1828, an estimated balance of - - - \$8,148,347 67

After deducting from this sum certain balances of appropriation, amounting to \$1,282,212 11, which are necessary to effect the objects for which they were severally made, or have been deducted from the estimates, for the service of the ensuing year, a balance of \$1,916,135 56 remains; which, with the receipts into the Treasury during the year 1823, constitutes the means for defraying the current service of that year.

Aid to the Greeks.

Mr. DWIGHT said he was requested to present the memorial of William Thornton, Walter Jones, and one hundred and fifty other respectable citizens of the District of Columbia, in behalf of the Greeks. Whatever doubts this House might entertain in regard to the specific appropriation prayed for by the memorial in behalf of this interesting and unfortunate people—doubts which he felt himself constrained to say he entertained not less sparingly than any gentleman upon the floor; he felt assured that they would all concur in the opinion that the sentiments of the memorialists were not less honorable to them than accordant to the spirit of this nation. Indeed, he was quite sure he did not exaggerate when he asserted that there was a sympathy, deep and universal, throughout the country, in behalf of this oppressed and injured nation. The memorialists, in reply to the charge of enthusiasm in relation to a remote and feeble people struggling for liberty against the power of the Ottoman Empire, would have a right to call upon the House to recollect that not half a century had elapsed since a less numerous, though more enlightened people, had successfully made war upon the most powerful nation on earth; and that, too, for evils which, compared to the massacre of Ohio and the tyranny of those inhuman masters, were easily to be borne. Nor, sir, will the House need to be reminded that not half a dozen years have elapsed since the intrepid and eloquent advocate of South American independence, stood in a small minority upon this floor, and upon a question, too, which, at the last session, was carried in this House by acclamation. Indeed, but yesterday we were told that the recognition of South American independence was no longer opposed by the British Government, because it can no longer be resisted. regard to the just interests of our own country, perhaps, ought to prevent our making the appropriation prayed for; but no considerations of delicacy or propriety could deter the memorialists from the expressions of feeling in behalf of the Greeks against a nation with whom we have never had negotiation, or truce, or treaty. The House would view, with an interest proportioned to the importance of the question, that, should Liberty be now unable to maintain herself in Greece, the country of her

earliest temples and longest worship, she would cease to have a footing on either of three continents, or an existence in the governments of six hundred millions of people. He did not mean, by the remarks he had made, to commit himself to any ulterior measures upon the subject; but he thought it his duty not to refuse an application from so respectable a source, and particularly from a portion of our citizens who are unrepresented upon this floor. For the purpose of obtaining the opinion of the House as to the destination of the memorial, he would now move that it be read, and he hoped that some gentleman of more experience than himself would move for its such reference as the House might think proper to give it.

Opposition being made to the memorial,

Mr. DWIGHT then rose, and said he was induced by the suggestions of some gentlemen, for whose opinions he had the highest respect, to withdraw his motion for referring the memorial to the Committee on Foreign Relations, and moving to lay it on the table.

The memorial was accordingly ordered to lie on the table. And the House adjourned to Friday.

FRIDAY, December 27.

Revolutionary Canadian Refugees.

Mr. WALWORTH submitted for consideration the following resolution:

Resolved, That the Committee on Revisal and Unfinished Business be instructed to inquire into the expediency of reviving and continuing in force, for a further time, the acts of the 7th of April, 1798, and of the 24th of February, 1810, which provide for the relief of the refugees from the British Provinces of Canada and Nova Scotia, agreeably to the resolutions of Congress, of the 22d of April, 1783, and the 18th of April, 1785.

Some opposition appearing to this resolution—

Mr. WALWORTH stated the object of it. In the year 1783, the Old Congress, by resolution, promised to make provision for those persons who were obliged to take refuge in the United States during the war of the Revolution. In 1785, this pledge was renewed in the same manner. Nothing was done towards the redemption of these pledges, until the year 1798, when a law passed for their relief, the duration of which was limited to two years. In consequence of the shortness of the limitation, a great many of those who were entitled to relief did not obtain it. In 1810, the law was revived for another short term of time, and then suffered to expire, before some of these persons had ascertained that such a law had ever passed. He wished this law to be now revived, that three or four of his constituents, who had no knowledge of the law whilst it was in force, might now obtain the benefit of it. Mr. W. said he could not see any just reason why the United States should establish a statute of limitations in bar of equitable claims against the Government. He himself knew one person who was driven from his home during the Revolution,

DECEMBER, 1823.]

Charges against Judge Tait.

[H. OF R.]

and sacrificed an immense property, who was now in his seventieth year, pining in want. It was for the relief of such objects as this that he wanted the bill passed.

Mr. BASSETT suggested that, if the cases were so few it would be much better to act upon them individually, instead of passing any general law upon the subject. He was not an advocate for an act of limitation further than it was necessary to guard the Government against impositions, but limitation to claims seemed in that point of view to be necessary.

Mr. WALWORTH said he could not undertake to say how many cases there were in other parts of the United States. It was not on the individual cases that he relied for the ground of his motion, but it was the principle of the case that he spoke of. Whether there were one, two, twenty, or two hundred cases, it was the duty of the Government to provide for them. This law would, moreover, grant nothing to the claimants, but merely authorize them to bring forward their claims for Congress to pass upon.

Mr. VANCE said, the land set apart for the location of land warrants in the case of the Canadian refugees, was within the limits of the State of Ohio, and, as soon as the warrants were located under the former law, the Government had ordered the whole of the remainder of the land to be surveyed and sold. The titles to the lands thus sold, and now highly improved, ought not to be disturbed, or in any manner affected by reviving the obsolete law which set apart that land for a particular purpose.

The question was then taken on agreeing to Mr. WALWORTH'S resolution, and decided in the negative—59 to 45.

On motion of Mr. SIBLEY, the Committee on the Public Lands were instructed to inquire into the expediency of erecting a new land district in the Territory of Michigan, to embrace the lands lying in the Saginaw county of Lake Huron, to which the Indian title has been extinguished.

Charges against Judge Tait.

The SPEAKER laid before the House a letter, addressed to him by Edwin Lewis, of the State of Alabama, preferring charges of improper, corrupt, and extra-judicial conduct, against Charles Tait, Judge of the District Court of the United States for the district of Alabama, and soliciting an inquiry, by this House, into the correctness of said charges.

Mr. COOKE, of Tennessee, said he had no objection whatever to the reference of these papers to the Committee on the Judiciary, but the motion to print the documents, without any accusation being framed in this House against the judge, Mr. C. thought was going beyond the line of strict duty. If the committee should be of opinion that there was just ground of accusation against Judge Tait, then the papers might be printed; but until that was done, he should think it was doing great injustice to Judge Tait to print documents, the printing of which might have the effect to blast his reputation, as seem-

ing to suppose that the charges of this individual against him were well founded.

Mr. SAUNDERS, of North Carolina, said he had been a member of the committee at the last session, to whom a communication, of similar import to this, had been referred, and a general impression prevailed that the writer must be a madman. Those who examined the papers were entirely satisfied that no injustice had been done to this man. If the gentleman from Alabama considered these papers entitled to any credit, it would be his duty to have a select committee raised to examine them. Mr. S. was confident the Committee on the Judiciary would not look into them, because, as far as it did look into the similar papers at the last session, the committee was satisfied they were not worth its notice.

Mr. WILLIAMS, of North Carolina, said, if he did vote for the reference of these papers, it would be with the most perfect conviction, on his mind, that the inquiry would result in the clear acquittal of the judge who is accused. The gentleman who had thought proper to bring forward these charges, was no stranger to many members of this House; and the gentleman who last spoke had informed the House that some members of the Judiciary Committee, at the last session, believed him to be insane. He believed the whole history of that person's life was such as in some degree to justify this impression, and it was high time that Congress should cease to be harassed by him. He was totally opposed to printing the documents in this or any case presented to the House, before they had passed under the review of a committee. Suppose these accusations should turn out, as he had no doubt they would turn out, to be frivolous and unworthy of the consideration of the House; would it not be a subject of regret, that so much importance had been given to these papers as to print them?

Mr. WILLIAMS said he had avowed, that he was not opposed to the reference of this memorial, &c. This declaration might have assured the gentleman from Alabama that he was not disposed to prejudice the case. Nor, Mr. W. said, did he pretend to any acquaintance with the person who had forwarded this memorial. It was his character, and not his person, he said, that was known to many members of this House; and how known? Some six or eight years ago, it would be recollected by many members, this Mr. Lewis sent forward, more than once, some very grave charges to this House, against Judge Toulmin, who was then one of the judges of the United States for the Territory of Alabama. The House at length took them up, and appointed a committee to investigate them. The committee, having done so, reported the charges to be frivolous and unfounded. The gentleman from Alabama himself recollects that, at the last session, the same individual preferred charges against Judge Tait, and we are now assured, by a member of that committee, that it was believed by some of them, after examining them, that the man was not in

H. OF R.]

Surgeons in the Navy.

[DECEMBER, 1852.]

his right senses. But, notwithstanding all this acquaintance with the memorialist, Mr. W. was willing his charges should be investigated. But, how long, said he, are we to be troubled in this way? I suppose if he sends us on frivolous charges against the judges for ninety and nine times, we are patiently to hear him the hundredth time, even though, as now, he intimates he has no new matter to present to the House. It was due to the character of the House that a stop should be put to such proceedings, and he hoped, after this investigation, to hear no more of this person's charges, &c.

Mr. WRIGHT said he had a perfect recollection of the case of Judge Toulmin, against whom charges were preferred by this Mr. Lewis; and the committee which investigated that subject found the conduct of the judge to have been perfectly unexceptionable. Members who represented States on this floor, Mr. W. said, ought to be very cautious how they brought matters of this sort into the House, and ought not to do it but upon their own belief in the truth of the accusations. He recollected, at the last session, the Speaker and other members having received letters from madmen, complaining of supposed grievances, &c.,—and in the course of his experience, every member of Congress will recollect such cases.

Mr. NELSON, of Maryland, said, this petition was presented to this House at the last session; the Committee on the Judiciary had it under their consideration, and they found nothing in the petition or documents to induce them formally to investigate the case. Now, Mr. N. put it to the House, and particularly to the gentleman from Alabama, whether, after having once examined the case, and the committee being satisfied that there was no reasonable ground for complaint against the judge, it was becoming in the House to lend its sanction to a resolution deliberately implicating the character of a judge? If the gentleman would consent to lay his resolution on the table, Mr. N. said he would vote for the reference of the papers; but he could not consent, and he was sure this House would not, viewing it as he did, consent to pass this resolution.

Mr. MOORE said, as far as was consistent with what he believed to be his duty, he was disposed to accommodate gentlemen, and he wished he could accommodate the gentleman from Maryland to the extent of his wish; and he assured him, that if the effect of his resolution would be to make an imputation upon the character of a judge without just ground for it, he should be glad the business would take that course which the gentleman proposed. But, Mr. M. said these papers had not been read; nor were they read at the last session; he therefore wished to have a report upon them from the Judiciary Committee. And what have we to dread, said Mr. M., if they should be required to inquire into the truth of the charges? No more injury could be done to the character of the judge by asking them to inquire into this

matter, than would be done by a bare reference of the documents.

The question was then taken on agreeing to the resolution, and decided in the affirmative—ayes 71. So it was

Resolved, That the communication and accompanying documents of E. Lewis, Esq., impeaching the official conduct of Charles Tait, one of the judges of the United States Court for the district of Alabama, be referred to the Committee on the Judiciary.

After announcing the decision—

The SPEAKER rose, and said, that, in regard to these papers, whatever might be his personal feelings, he did not think that he had a right to forbear laying them before the House. He had sometimes felt hesitation in laying before this House papers forwarded to him as Speaker; and in cases where the matter contained in them was obviously libellous, he had forbore. But a charge of the nature of this, though it may, as he trusted it would, turn out to be utterly libellous, might be otherwise, and the Speaker thought he had not the right to withhold the papers from the House.

The House adjourned to Monday.

TUESDAY, December 31.

Surgeons in the Navy.

Mr. MITCHELL, of South Carolina, rose and said, he begged leave to introduce a resolution with regard to the surgeon's department in the Navy. His mind had been led to this subject by the state of our West India fleet. It would be recollected that some time since the *Macedonian* returned from her cruise with the loss of eighty men; the last accounts from the *Cyane* were, that she lay at Laguaira, with a dreadful mortality raging on board of her; and the situation of the *Peacock* was no better. He said that, at first, the mortality on board of the *Macedonian* was attributed to her not being properly purified after her return from the Pacific Ocean. That, he believed, had been made a subject of inquiry by a naval court, and, upon investigation, it had been ascertained that every art of purification had been employed to cleanse her. He said that he had not observed that the crews of the merchant vessels employed in the West India trade had been afflicted in this way, and he could not but attribute it to some defect in the surgeon's department. He hoped that it was not so; but it was a subject worthy of the attention of the House. He considered the Navy as our proper defence—that it had not only protected our commerce, but given character to our nation—and that it was our duty to watch over it with the greatest solicitude.

The following was Mr. MITCHELL's resolution:

Resolved, That the Secretary of the Navy be directed to inform this House, how many surgeons and surgeons' mates are on duty, and where; what are the annual receipts of each; and, where additional pay is received for extra service, what is the nature and extent of such service.

The resolution was agreed to.

JANUARY, 1823.]

Division of Florida.

[H. OF R.]

Intercourse with Hayti.

Mr. HILL submitted for consideration the following resolution :

Resolved, That the Committee on Commerce be instructed to inquire into the present state of the trade and intercourse between the United States and the Island of Hayti, and report what measures would be necessary to improve the commerce between those countries.

Mr. H. said he was aware that another branch of the Government had called for information from the President on this subject. If any were obtained by that call, this House should avail itself of the advantage of it. Be that as it might, Mr. H. said he was very desirous that the committee should now be directed to investigate this subject, for he had contemplated submitting a similar resolution at the last session, and should have done it, were it not that we then had important negotiations depending with some of the powers of Europe. That now ceases to be the case. Hayti is now one of the largest islands on the globe, and contains in some parts of it a dense population, a great share of effective labor, and possesses, within itself, the resources of an empire. He hoped therefore the resolution might be adopted.

The question was taken on the resolution, and it was agreed to without debate.

FRIDAY, JANUARY 3, 1823.

JOSEPH M. HERNANDEZ, delegate from the Territory of Florida, appeared, was qualified, and took his seat in the House.

Public Accounts.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to whom the subject was referred, by resolution, reported a bill in addition to the act, entitled "An act for the prompt settlement of public accounts," and for the punishment of the crime of perjury; which bill was read twice, and committed to a Committee of the Whole.

The bill is in the following words :

Be it enacted, &c., That in the settlement of accounts of persons remaining charged on the books of the Third Auditor of the Treasury with public moneys advanced prior to the 1st day of July, 1815, the proper accounting officers be, and they are hereby, authorized to admit to the credit of such persons, respectively, the amount of any expenditures made by them, which were at the time authorized by law or regulations, notwithstanding regular vouchers for the same may not be produced, if the impracticability of producing such vouchers shall be proved, to the satisfaction of the said accounting officers; and if the evidence exhibited in lieu thereof shall be the best the nature of the several cases will admit of, and such as would be received in courts of justice: *Provided*, nevertheless, That the credits to be allowed shall in no case exceed in amount the sums with which such persons respectively shall be charged on the books of the said Third Auditor.

SEC. 2. *And be it further enacted*, That whenever, in the settlement of the accounts before mentioned, a difference of opinion shall arise between the account-

ing officers, as to the extent of the credits to be allowed, under, or by virtue of, this act, such case shall be referred to the Secretary of War, whose decision shall be conclusive. And it is hereby made the duty of the said Secretary to cause to be communicated to Congress, at the commencement of each session, a statement comprising the names of the persons whose accounts shall have been settled the preceding year, agreeably to the provisions of this act, together with the amount which shall have been passed to the credit of each, under the several heads of expenditure, and, upon evidence other than such as has been prescribed by the laws and regulations existing before the passage of this act.

SEC. 3. *And be it further enacted*, That if any person shall swear, or affirm, falsely, touching the expenditure of public money, or in support of any claim against the United States, he or she shall, upon conviction thereof, suffer as for wilful and corrupt perjury.

MONDAY, JANUARY 6.

A new member, to wit, from South Carolina, JAMES HAMILTON, jun., elected to supply the vacancy occasioned by the resignation of William Lowndes, appeared, produced his credentials, was qualified, and took his seat.

Indian Trading Establishments.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows :

To the House of Representatives of the United States :

In compliance with the resolution of the House of Representatives, of the 19th of December last, requesting the President of the United States to communicate to the House the progress which has been made in the execution of the act of the last session, entitled "An act to abolish the Indian Trading Establishments," with a report from the factories respectively, as the same were made to him; I transmit a report from the Secretary of the Treasury, with the documents referred to by that resolution. In further execution of the act of the last session, treaties have since been made with the Osage and Sac Indians, by which those tribes have severally relinquished to the United States their right, under preceding treaties, to the maintenance of a factory within each, respectively. JAMES MONROE.

WASHINGTON, Jan. 6, 1823.

The Message was referred to the Committee on Indian Affairs.

TUESDAY, JANUARY 7.

Two other members, to wit: from Vermont, CHARLES RICH, and from North Carolina, LEMUEL SAWYER, appeared, and took their seats.

WEDNESDAY, JANUARY 8.

A new member, to wit, from Maryland, ISAAC MCKIM, elected to supply the vacancy occasioned by the resignation of Samuel Smith, appeared, was qualified, and took his seat.

Division of Florida.

Mr. HERNANDEZ presented a memorial of sundry inhabitants of St. Augustine, in East Florida, praying that the Floridas may be formed

H. OF R.]

Surgeons in the Navy.

his right senses. But, notwithstanding all this acquaintance with the memorialist, Mr. W. was willing his charges should be investigated. But, how long, said he, are we to be troubled in this way? I suppose if he sends us on frivolous charges against the judges for ninety and nine times, we are patiently to hear him the hundredth time, even though, as now, he intimates he has no new matter to present to the House. It was due to the character of the House that a stop should be put to such proceedings, and he hoped, after this investigation, to hear no more of this person's charges, &c.

Mr. WRIGHT said he had a perfect recollection of the case of Judge Toulmin, against whom charges were preferred by this Mr. Lewis; and the committee which investigated that subject found the conduct of the judge to have been perfectly unexceptionable. Members who represented States on this floor, Mr. W. said, ought to be very cautious how they brought matters of this sort into the House, and ought not to do it but upon their own belief in the truth of the accusations. He recollected, at the last session, the Speaker and other members having received letters from madmen, complaining of supposed grievances, &c.,—and in the course of his experience, every member of Congress will recollect such cases.

Mr. NELSON, of Maryland, said, this petition was presented to this House at the last session; the Committee on the Judiciary had it under their consideration, and they found nothing in the petition or documents to induce them formally to investigate the case. Now, Mr. N. put it to the House, and particularly to the gentleman from Alabama, whether, after having once examined the case, and the committee being satisfied that there was no reasonable ground for complaint against the judge, it was becoming in the House to lend its sanction to a resolution deliberately implicating the character of a judge? If the gentleman would consent to lay his resolution on the table, Mr. N. said he would vote for the reference of the papers; but he could not consent, and he was sure this House would not, viewing it as he did, consent to pass this resolution.

Mr. MOORE said, as far as was consistent with what he believed to be his duty, he was disposed to accommodate gentlemen, and he wished he could accommodate the gentleman from Maryland to the extent of his wish; and he assured him, that if the effect of his resolution would be to make an imputation upon the character of a judge without just ground for it, he should be glad the business would take that course which the gentleman proposed. But, Mr. M. said these papers had not been read; nor were they read at the last session; he therefore wished to have a report upon them from the Judiciary Committee. And what have we to dread, said Mr. M., if they should be required to inquire into the truth of the charges? No more injury could be done to the character of the judge by asking them to inquire into

matter, than would be done by a bare reference of the documents.

The question was then taken on agreeing to the resolution, and decided in the affirmative—ayes 71. So it was

Resolved, That the communication and accompanying documents of E. Lewis, Esq., impeaching the official conduct of Charles Tait, one of the judges of the United States Court for the district of Alabama, be referred to the Committee on the Judiciary.

After announcing the decision—

The SPEAKER rose, and said, that, in regard to these papers, whatever might be his personal feelings, he did not think that he had a right to forbear laying them before the House. He had sometimes felt hesitation in laying before this House papers forwarded to him as Speaker; and in cases where the matter contained in them was obviously libellous, he had forbore. But a charge of the nature of this, though it may, as he trusted it would, turn out to be utterly libellous, might be otherwise, and the Speaker thought he had not the right to withhold the papers from the House.

The House adjourned to Monday.

TUESDAY, December 31.

Surgeons in the Navy.

Mr. MITCHELL, of South Carolina, rose and said, he begged leave to introduce a resolution with regard to the surgeon's department in the Navy. His mind had been led to this subject by the state of our West India fleet. It would be recollected that some time since the Macedonian returned from her cruise with the loss of eighty men; the last accounts from the Cyane were, that she lay at Laguaira, with a dreadful mortality raging on board of her; and the situation of the Peacock was no better. He said that, at first, the mortality on board of the Macedonian was attributed to her not being properly purified after her return from the Pacific Ocean. That, he believed, had been made a subject of inquiry by a naval court, and, upon investigation, it had been ascertained that every art of purification had been employed to cleanse her. He said that he had not observed that the crews of the merchant vessels employed in the West India trade had been afflicted in this way, and he could not but attribute it to some defect in the surgeon's department. He hoped that it was not so; but it was a subject worthy of the attention of the House. He considered the Navy as our proper defence—that it had not only protected our commerce, but preserved the character to our nation—and that it was to watch over it with the greatest vigilance.

The following was Mr. Mitchell's

Resolution

H. R.

...aid that, of the power of Con-
...this bill, he entertained no doubt.
...most vulnerable points of our coun-
...enemy is the Michigan Territory. It
...within itself strength for its defence,
...to call on the neighboring States for

his right senses. But, notwithstanding all this acquaintance with the memorialist, Mr. W. was willing his charges should be investigated. But, how long, said he, are we to be troubled in this way? I suppose if he sends us on frivolous charges against the judges for ninety and nine times, we are patiently to hear him the hundredth time, even though, as now, he intimates he has no new matter to present to the House. It was due to the character of the House that a stop should be put to such proceedings, and he hoped, after this investigation, to hear no more of this person's charges, &c.

Mr. WRIGHT said he had a perfect recollection of the case of Judge Toulmin, against whom charges were preferred by this Mr. Lewis; and the committee which investigated that subject found the conduct of the judge to have been perfectly unexceptionable. Members who represented States on this floor, Mr. W. said, ought to be very cautious how they brought matters of this sort into the House, and ought not to do it but upon their own belief in the truth of the accusations. He recollected, at the last session, the Speaker and other members having received letters from madmen, complaining of supposed grievances, &c.,—and in the course of his experience, every member of Congress will recollect such cases.

Mr. NELSON, of Maryland, said, this petition was presented to this House at the last session; the Committee on the Judiciary had it under their consideration, and they found nothing in the petition or documents to induce them formally to investigate the case. Now, Mr. N. put it to the House, and particularly to the gentleman from Alabama, whether, after having once examined the case, and the committee being satisfied that there was no reasonable ground for complaint against the judge, it was becoming in the House to lend its sanction to a resolution deliberately implicating the character of a judge? If the gentleman would consent to lay his resolution on the table, Mr. N. said he would vote for the reference of the papers; but he could not consent, and he was sure this House would not, viewing it as he did, consent to pass this resolution.

Mr. MOORE said, as far as was consistent with what he believed to be his duty, he was disposed to accommodate gentlemen, and he wished he could accommodate the gentleman from Maryland to the extent of his wish; and he assured him, that if the effect of his resolution would be to make an imputation upon the character of a judge without just ground for it, he should be glad the business would take that course which the gentleman proposed. But, Mr. M. said these papers had not been read; nor were they read at the last session; he therefore wished to have a report upon them from the Judiciary Committee. And what have we to dread, said Mr. M., if they should be required to inquire into the truth of the charges? No more injury could be done to the character of the judge by asking them to inquire into this

matter, than would be done by a bare reference of the documents.

The question was then taken on agreeing to the resolution, and decided in the affirmative—ayes 71. So it was

Resolved, That the communication and accompanying documents of E. Lewis, Esq., impeaching the official conduct of Charles Tait, one of the judges of the United States Court for the district of Alabama, be referred to the Committee on the Judiciary.

After announcing the decision—

The SPEAKER rose, and said, that, in regard to these papers, whatever might be his personal feelings, he did not think that he had a right to forbear laying them before the House. He had sometimes felt hesitation in laying before this House papers forwarded to him as Speaker; and in cases where the matter contained in them was obviously libellous, he had forbore. But a charge of the nature of this, though it may, as he trusted it would, turn out to be utterly libellous, might be otherwise, and the Speaker thought he had not the right to withhold the papers from the House.

The House adjourned to Monday.

TUESDAY, December 31.

Surgeons in the Navy.

Mr. MITCHELL, of South Carolina, rose and said, he begged leave to introduce a resolution with regard to the surgeon's department in the Navy. His mind had been led to this subject by the state of our West India fleet. It would be recollected that some time since the Macedonian returned from her cruise with the loss of eighty men; the last accounts from the Cyane were, that she lay at Laguaira, with a dreadful mortality raging on board of her; and the situation of the Peacock was no better. He said that, at first, the mortality on board of the Macedonian was attributed to her not being properly purified after her return from the Pacific Ocean. That, he believed, had been made a subject of inquiry by a naval court, and, upon investigation, it had been ascertained that every art of purification had been employed to cleanse her. He said that he had not observed that the crews of the merchant vessels employed in the West India trade had been afflicted in this way, and he could not but attribute it to some defect in the surgeon's department. He hoped that it was not so; but it was a subject worthy of the attention of the House. He considered the Navy as our proper defence—that it had not only protected our commerce, but given character to our nation—and that it was our duty to watch over it with the greatest solicitude.

The following was Mr. MITCHELL's resolution:

Resolved, That the Secretary of the Navy be directed to inform this House, how many surgeons and surgeons' mates are on duty, and where; what are the annual receipts of each; and, where additional pay is received for extra service, what is the nature and extent of such service.

The resolution was agreed to.

JANUARY, 1823.]

Division of Florida.

[H. OF R.]

Intercourse with Hayti.

Mr. HILL submitted for consideration the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the present state of the trade and intercourse between the United States and the Island of Hayti, and report what measures would be necessary to improve the commerce between those countries.

Mr. H. said he was aware that another branch of the Government had called for information from the President on this subject. If any were obtained by that call, this House should avail itself of the advantage of it. Be that as it might, Mr. H. said he was very desirous that the committee should now be directed to investigate this subject, for he had contemplated submitting a similar resolution at the last session, and should have done it, were it not that we then had important negotiations depending with some of the powers of Europe. That now ceases to be the case. Hayti is now one of the largest islands on the globe, and contains in some parts of it a dense population, a great share of effective labor, and possesses, within itself, the resources of an empire. He hoped therefore the resolution might be adopted.

The question was taken on the resolution, and it was agreed to without debate.

FRIDAY, JANUARY 3, 1823.

JOSEPH M. HERNANDEZ, delegate from the Territory of Florida, appeared, was qualified, and took his seat in the House.

Public Accounts.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to whom the subject was referred, by resolution, reported a bill in addition to the act, entitled "An act for the prompt settlement of public accounts," and for the punishment of the crime of perjury; which bill was read twice, and committed to a Committee of the Whole.

The bill is in the following words:

Be it enacted, &c., That in the settlement of accounts of persons remaining charged on the books of the Third Auditor of the Treasury with public moneys advanced prior to the 1st day of July, 1815, the proper accounting officers be, and they are hereby, authorized to admit to the credit of such persons, respectively, the amount of any expenditures made by them, which were at the time authorized by law or regulations, notwithstanding regular vouchers for the same may not be produced, if the impracticability of producing such vouchers shall be proved, to the satisfaction of the said accounting officers; and if the evidence exhibited in lieu thereof shall be the best the nature of the several cases will admit of, and such as would be received in courts of justice: *Provided, nevertheless*, That the credits to be allowed shall in no case exceed in amount the sums with which such persons respectively shall be charged on the books of the said Third Auditor.

Sec. 2. And be it further enacted, That whenever, in the settlement of the accounts before mentioned, a difference of opinion shall arise between the account-

ing officers, as to the extent of the credits to be allowed, under, or by virtue of, this act, such case shall be referred to the Secretary of War, whose decision shall be conclusive. And it is hereby made the duty of the said Secretary to cause to be communicated to Congress, at the commencement of each session, a statement comprising the names of the persons whose accounts shall have been settled the preceding year, agreeably to the provisions of this act, together with the amount which shall have been passed to the credit of each, under the several heads of expenditure, and, upon evidence other than such as has been prescribed by the laws and regulations existing before the passage of this act.

Sec. 3. And be it further enacted, That if any person shall swear, or affirm, falsely, touching the expenditure of public money, or in support of any claim against the United States, he or she shall, upon conviction thereof, suffer as for wilful and corrupt perjury.

MONDAY, JANUARY 6.

A new member, to wit, from South Carolina, JAMES HAMILTON, jun., elected to supply the vacancy occasioned by the resignation of William Lowndes, appeared, produced his credentials, was qualified, and took his seat.

Indian Trading Establishments.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows:

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives, of the 19th of December last, requesting the President of the United States to communicate to the House the progress which has been made in the execution of the act of the last session, entitled "An act to abolish the Indian Trading Establishments," with a report from the factories respectively, as the same were made to him; I transmit a report from the Secretary of the Treasury, with the documents referred to by that resolution. In further execution of the act of the last session, treaties have since been made with the Osage and Sac Indians, by which those tribes have severally relinquished to the United States their right, under preceding treaties, to the maintenance of a factory within each, respectively. JAMES MONROE.

WASHINGTON, Jan. 6, 1823.

The Message was referred to the Committee on Indian Affairs.

TUESDAY, JANUARY 7.

Two other members, to wit: from Vermont, CHARLES RICH, and from North Carolina, LEMUEL SAWYER, appeared, and took their seats.

WEDNESDAY, JANUARY 8.

A new member, to wit, from Maryland, ISAAC McKIM, elected to supply the vacancy occasioned by the resignation of Samuel Smith, appeared, was qualified, and took his seat.

Division of Florida.

Mr. HERNANDEZ presented a memorial of sundry inhabitants of St. Augustine, in East Florida, praying that the Floridas may be formed

into two distinct Territorial governments; that a separate board of commissioners may be appointed to ascertain titles and claims to land in the eastern section of said Territory; that the expenses attending the exhibition of proof of title to lands may be defrayed out of the Public Treasury; that settlements may be allowed on the public lands, with permission to the settlers, subsequently, to purchase their improvements at the minimum price established for said lands; that the aid of Congress may be extended in the opening and repairing of roads, and the erection of bridges in said Territory; that lighthouses and buoys may be erected and placed at certain points, designated in said memorial; that adequate measures may be adopted to insure the tranquillity and security of the Territory against the aggressions of the Seminole Indians; that measures may be adopted for settling the claims to land derived from grants from the British Government, commonly called British grants; that the members of the Legislative Council may hereafter be elected by the people; that the operation of an act, passed by the said council, for the levying and collection of taxes, which the memorialists complain of as oppressive and unjust, may be suspended by act of Congress. The memorialists further complain against another act of the said council, whereby common soldiers of the Army of the United States, quartered in said Territory, are permitted to vote in the election of a delegate to Congress, and praying for a correction of the evil. And further, that the judicial system of said Territory may be so altered as to be better suited to the genius and condition, and the present political situation of its inhabitants; which memorial was read; and its subjects referred to the proper committees.

THURSDAY, January 9.

Road from Ohio to Michigan.

The House then, on motion of Mr. VANCE, took up the bill to appropriate a certain quantity of land to defray the charge of laying out and making a road from the mouth of the Miami of Lake Erie to the Connecticut Reserve.

Mr. VANCE delivered, more at length than heretofore, the views which he entertained of the importance of the measure proposed by the bill. He stated facts showing the enormous charge of transportation of supplies from Ohio to Michigan, during the late war, for the want of a passable road. He replied to anticipated objections, on the score of the value of the land proposed to be applied to this object. The whole quantity to be granted to the purpose he estimated at 57,000 acres, worth, at the minimum price, \$72,000, but in fact worth much less to the United States, from its inaccessibility. He did not believe, however, it was worth, in the market, more than sixty-two and a half cents per acre, which would make only an amount of \$36,000 to be applied to this great object. He hoped it would not be considered a

heresy in politics to state that the Northwestern frontier was equally entitled to protection with other parts of the United States. If this land was in reality worth two dollars and a half per acre, it would amount only to a total of one hundred and forty-four thousand dollars, which was a very small amount, certainly, compared with the magnitude of the object of protecting that frontier by this military road. In addition to all these arguments of expediency and necessity, in favor of this measure, there is, he said, a treaty stipulation by which the United States have bound themselves to make the road, (referring to the Treaty of Brownstown); and he made some statements to show that the Indians, who were parties to that treaty, were desirous the road should be made. There was such a disposition to impute to the Western members interested motives, in regard to all measures concerning public lands, he had rather ask this as a matter of right, under the treaty, than as a matter of favor. But, in the name of the people of Michigan, though there had been no treaty, he would ask the passage of this bill as a matter of justice as well as favor to the people of Michigan, to connect them with the settled parts of the United States. As respects the State of Ohio, though somewhat interested in the road, it was much less so than the people of Michigan. Nor was the whole Union less interested in it. The defeat at Frenchtown, during the late war, was occasioned by the want of it, from the impracticability of uniting the different detachments of the army, and during the whole war there was much waste of life and treasure from the same cause. Mr. V. added other remarks illustrative of these positions.

After moving an amendment, which was agreed to by the House—

Mr. SIBLEY, the delegate from Michigan, also spoke in favor of the bill, in which he said his constituents were deeply interested, separated as they were from the rest of the United States, and in a manner isolated from the Territory with which they are particularly connected. He first adverted to the provision of the treaty, held under the authority of the United States, wherein a grant of the land for the road, and of a mile deep on each side of it, was made by the Indians to the United States, on the condition and for the purpose of making this road. Since that time the remainder of the territory had been ceded by the Indians to the United States, but nothing had been done by the United States towards making the road. The interest of the Government, in making this road, with a view to military operations, Mr. S. said, was in fact much greater than the local interest in it. It was a portion of the territory of the United States, weaker, more exposed, and more likely to fall into the hands of an enemy during war than any other. During a war, (with Great Britain, should it ever again happen,) it would be of the first importance to make this point safe; and to do this securely, the population of the adjacent States, on which its defence must greatly de-

JANUARY, 1828.]

Road from Ohio to Michigan.

[H. OF R.]

pend, ought to have the means of concentrating its strength, the want of which means was so severely felt during the late war. Mr. S. added other arguments in support of the bill; such as that the road is necessary to secure any thing like a regular transportation of the mail; that the Michigan Territory must people slowly until an access is opened to it, without being obliged, as was now necessary at some seasons of the year, to go through foreign territory to get to it. Thus, Mr. S. said, supposing there was no right derived from the treaty, the object was of the utmost importance, and the bill proposed no new principle. Lands had been often granted by Congress for objects of much less importance, and, as for this land, it would be of no value to the United States until a road was made, and it became worth the trouble to drain it. The quantity of land proposed to be allotted to this purpose would not, in his opinion, be sufficient to accomplish it, but it was probable that, by the aid of this grant, those who were interested would be able to complete the work.

Mr. COCKE said, that a reference to almost every treaty with the Indians, for twenty years past, would exhibit provisions for roads in almost every direction. It was no new thing to prevail upon the Indians to give their consent to have a road made. The Indians are pressed into the measure; and it was the first time he had ever heard it suggested that the Indians were desirous of having a highway through their lands. Such an idea was contrary to their nature; their pursuits are repugnant to it. He could not therefore yield to the argument, in favor of this bill, that the Indians are desirous to see the road made. He did not understand, he said, how the making of a road through it was to drain the swamp, and he wished for information on that head. And why were the United States to pay for making this road any more than roads in other parts of the country? Were the people of Michigan so regardless of their interest that they would not make a road to lead to their Territory? If it was necessary to appropriate this land to this object, for the benefit of the people of Michigan, why was it to be given to the State of Ohio? Why not let Michigan have it? No, Mr. C. said, let us keep it in our hands, that we may ourselves regulate the matter, if the road is to be made. He was obliged to the gentleman for the suggestion that the proceeds of the land would not be sufficient to make the road. This bill would then be but a beginning. And, said he, once enter the wedge, and you will not get clear of it for ten years to come. Mr. C. concluded by requiring the yeas and nays on the question of ordering this bill to a third reading.

Mr. LITTLE said that, to any measure calculated to promote the prosperity and happiness of any section of our country, and not impairing the rights of anybody, he felt himself bound to give his support. That the public is greatly interested in the measure proposed by this bill, had been sufficiently shown. The treasure of

the country, as well as its blood, had been wasted for want of the road. His reflection on the subject, too, had induced him to believe, that it was in consequence of the access being so difficult, that the Michigan country had filled up so slowly. It was an inconvenience which ought to be remedied; that, in order to get into the United States, it was for one half of the year necessary for the people of Michigan to pass through the territory of a nation with whom we have already had two wars, and with whom he should not be surprised to live to see a third. It was no reason against this bill, that application might be hereafter made from other quarters for similar grants. This is not the first grant which has been made for similar purposes, but no grant had been made for any as important. The facts which had been stated respecting the evils suffered in the late war for want of this road were undoubted; and Mr. L. hoped that, on further consideration, the gentleman from Tennessee would withdraw his opposition to the bill.

Mr. MITCHELL, of South Carolina, said that he knew very little of the merits of this question, but what he had gathered from the report which accompanied the bill. He was of opinion, however, that this session ought to be made. In the first place, he said, this land was conveyed to the United States for the express purpose of making the road; and with the same object the land had been surveyed, without any thing further being done upon it. If we choose to give this land, he said, while we do not diminish the funds of the nation, we comply with the condition of the cession to us, and effect a valuable object to the nation. It was, he said, a matter of great importance to the United States that this road should be made. The country between the Miami River and the Connecticut Reserve is a swamp, often impassable, and intercepts the communication between Michigan and Ohio. Michigan is a frontier country; it adjoins Upper Canada; its population is so small that it cannot defend itself in the event of a war again occurring with the owners of Upper Canada, and must fall, unless a communication be established between it and the more populous parts of our country. It is our interest, therefore, if we wish to hold the Territory of Michigan, to have the road cut. At present, it is understood that the communication to and from Michigan with the United States must, for a considerable portion of the year, be carried on through Upper Canada. Ought we, he asked, to permit our territory to be so dissociated as to have to communicate with it through the medium of a foreign territory? He thought not, and was therefore in favor of this bill.

Mr. HARDIN said that, of the power of Congress to pass this bill, he entertained no doubt. One of the most vulnerable points of our country to an enemy is the Michigan Territory. It has not within itself strength for its defence, and has to call on the neighboring States for

succor to repel invasion. Mr. H. adverted to the enormous expense to which the United States were put on that frontier during the late war, which would not have been one-fourth as great had the proposed road then existed. The whole army, when at Fort Meigs, &c., had to be supplied by transportation on horses for a hundred or a hundred and fifty miles, so that every barrel of flour consumed had cost the United States some fifty dollars per barrel. It was important, therefore, that a direct intercourse should be opened between the settled country and that part of our territory. There could be no objection, in a constitutional view, to making this road, in the character of a military road. As to the expediency of the road, Mr. H. said, he entertained no doubt. The two vulnerable points of our country are Florida and Michigan. Mr. H. said he wished to see them strengthened as much as possible and as fast as possible. He also adverted to the increased value which would be given to the lands of the United States in that quarter by the increased facility of access. There was but one objection to the bill, that he could see. It was this: that, if we cede the land to the State of Ohio, and she does not make the road, we shall have no power to get it back again. But, Mr. H. said, he had so much confidence in the integrity of the State of Ohio, that he was willing to pass the bill without a clause providing for its reversion in such case. He had no doubt the State of Ohio would lay out every cent of the proceeds of the sales of the lands in making or repairing the road. This case being clearly distinguishable from the exercise of the general power of internal improvement, as contemplating a military road, he hoped his friend from Tennessee would withdraw his opposition, and let the bill pass by a unanimous vote. He hoped, too, when the question regarding the Cumberland road came up, to witness the same spirit of unanimity in its favor which was to be seen on this occasion.

Mr. CAMPBELL, of Ohio, rose, not so much to urge arguments in support of the bill, as to notice a remark which fell from the gentleman who had just taken his seat, as to what might be the conduct of the State of Ohio in regard to the road. A year ago, Mr. C. said, the Legislature of Ohio had passed an act on this subject, in which she had evinced her willingness to take upon herself the trouble and expense of making this road, if the right of the United States to the land in question were ceded to her. He did not pretend to say that this road would not be an advantage to the State of Ohio, but it would be of more importance to the interests of the Union generally. The country in which this road lies is one of the most valuable in the Union, and as little had been done for it as for any section of the Union. On this point he would only observe, he said, that so great was his zeal to increase the population of the Peninsula of Michigan, he was willing to vote even two or three hundred

thousand acres of land to those who would settle it, or he would sell the land at fifty cents per acre if it would induce a settlement of it. He would use every means to accomplish an object so desirable. On the score of money, which was said to be the sinew of war, much that was expended during the late war would have been saved, had the proposed road then existed; and the petitions even at this day presented by the delegate from that Territory remind us in what condition the fortune of war has once placed it. In a pecuniary point of view, Mr. C. said, the House could not err in passing this bill. As far as he knew the sentiment of the State of Ohio, she would take a deep interest in making the road. Mr. C. examined the treaty provision respecting this road, which, he argued, did not assimilate itself to the general treaty provisions respecting roads, adverted to by Mr. COOKE, inasmuch as those provisions were inserted to accommodate the United States, and to be executed at our pleasure, whilst in this case the stipulation was obligatory and binding on the United States. The population of Upper Canada, Mr. C. said, had greatly increased in consequence of the liberality of the British Government to settlers. That Government considers its possessions in that quarter vulnerable; but they are not as vulnerable as ours. Whilst they are increasing their strength in that direction, ought we not to be increasing ours? Any course different from this must be a blind one, and such as the Government ought not to pursue. The gentleman from Tennessee had said, if the people of Michigan are interested, let them make the road. But, Mr. C. asked, will their physical means enable them to make it? They are interested in the road, it is true; but there is no population in the Union of ten thousand souls able to make a road of forty-five miles in length through such a swamp as that. They are already weighed down with taxation, and are perhaps the most oppressed people under the Government of the United States. In answer to the remark that, if this bill passed, application would be hereafter made to the United States for further aid to complete the road, Mr. C. said, when those applications were made it would be the duty of Congress to act upon them as should appear to be right. They must stand or fall on their own merits or demerits. If rightful, they would be granted; if otherwise, they would be rejected.

Mr. FARRELY observed, that he lived on the Northwestern frontier, and rose to communicate facts which every one on that frontier must know. Michigan was, without doubt, the most exposed point, and also the weakest of the Union. The Territory was inhabited by numerous nations of Indians, who had been accustomed to war with the people of the United States. From the close of the war of the Revolution down to the defeat of General Wayne, they were in a state of continual hostility. During the late war they desolated that Terri-

JANUARY, 1823.]

Pension to Sarah Perry.

[H. OF R.]

tory; and, in case of any rupture between us and the British Government, we know, from the experience of the past, on which side they will be engaged. If the Territory of Michigan were able to protect itself during the late war, what a saving it would have been to the nation in treasure and blood; the Kentucky militia would not have been massacred—which happened after they passed that swamp. It is an object of the greatest importance to the United States to encourage the population of Michigan, which has been hitherto kept down by the impracticability of going to it. By passing the bill, the United States will secure the most important advantages. I know it to be a fact that the merchants of the place where I reside, and generally of the district I represent, who have commercial relations with Detroit, have to go there and return, at some seasons of the year, through Upper Canada, in consequence of the obstacles opposed by the Black Swamp. The United States fleet has disappeared on Lake Erie; and it is of the utmost importance to strengthen the interior of the country, which has not resources itself to make this road.

Mr. SIBLEY again rose. There was, he said, in reply to Mr. COCKE, no want of patriotism and liberality in the Territory of Michigan. He mentioned large appropriations of money which they had had to make for roads, of which the United States were deriving the benefit; and also that there was a road of considerable length which the Territory would have to make to meet the very road embraced in this bill. He appealed to the House whether Michigan, who had been doing her utmost to connect herself with the rest of the Union, ought to be expected to make this road.

The question was then taken on ordering the bill to be engrossed and read a third time, and decided—yeas 180, nays 21.

MONDAY, JANUARY 20.

JOHN SERGEANT, from Pennsylvania, appeared, and took his seat.

Naval Peace Establishment.

Mr. FULLER, from the Committee on Naval Affairs, to which was referred the Message from the President, upon the subject of a Naval Peace Establishment, made a report thereon, accompanied by a bill to fix and render permanent the Naval Peace Establishment of the United States; which bill was read twice, and committed to a Committee of the whole House on the state of the Union.

Commerce and Navigation.

The SPEAKER communicated the following letter from the Secretary of the Treasury:

TREASURY DEPARTMENT, Jan. 18, 1823.

SIR: In conformity with the provisions of the act of 10th January, 1820, entitled "An act to provide for obtaining accurate statements of the foreign commerce of the United States," I have the honor to

submit the following statements of the commerce and navigation of the United States, during the year ending on the 30th September, 1822, viz:

1st. A general statement of the quantity and value of merchandise imported into the United States.

2d. A summary statement of the same.

3d. A general statement of the quantity and value of domestic articles exported.

4th. A general statement of the quantity and value of foreign articles exported.

5th and 6th. Summary statements of the value of domestic and foreign articles exported.

7th. A general statement of the amount of American and foreign tonnage employed in the foreign trade of the United States.

8th. A general statistical view of the commerce and navigation of the United States; and

9th. A statement of the tonnage entered and cleared, in and from the several States.

From these statements, it appears that the imports, during the year ending on the 30th of September, 1822, have amounted to \$83,241,541, of which amount \$76,984,331 were imported in American vessels and \$6,257,210 in foreign vessels: That the exports have, during the same period, amounted to \$72,160,281, of which \$49,874,079 were domestic, and \$22,286,202 were foreign articles: That of the domestic articles \$39,931,913 were exported in American vessels, and \$9,942,166 in foreign vessels; and, of the foreign articles exported, \$20,783,655 were exported in American, and \$1,502,547 in foreign vessels: That 787,961 tons of American shipping entered, and 813,748 cleared from ports of the United States; and that 100,541 tons of foreign shipping entered, and 97,490 cleared from the ports of the United States during the same period.

I remain, with respect, &c.

WM. H. CRAWFORD.

HON. PHILIP P. BARBOUR,

Speaker of the House of Representatives.

The letter was read, and, with the documents, ordered to be printed.

TUESDAY, JANUARY 21.

Pension to Sarah Perry.

Mr. FULLER, from the Committee on Naval Affairs, to whom was committed the petition of Sarah Perry, mother of Oliver H. Perry, late a Captain in the Navy of the United States, made the following report; which was read twice, and committed to a Committee of the Whole.

By the decease of the son of the petitioner, Captain Oliver H. Perry, and, subsequently, by the decease of another son, a lieutenant in the Navy, she has been deprived of the support which those sons had successively bestowed; and is, as sufficiently appears to the committee, advanced in years, and incapable of providing for herself. The eminent services of her son first mentioned having called forth the bounty of the Government in providing for his widow and children, by an act for their relief, passed on the 3d of March, 1821, the committee believe that his mother, the present petitioner, is entitled to consideration, in at least an equal degree, and for similar reasons. They therefore report a bill in her favor.

H. OF R.]

Death of William Lowndes.

[JANUARY, 1822]

To the honorable the Speaker of the House of Representatives of the United States, the Memorial of Sarah Perry, of the State of Rhode Island, respectfully sheweth:

That your petitioner has at length determined to intrude her sorrows and distresses on your notice, confident of obtaining your sympathy and commiseration, should she even fail in adducing any claims to your justice and liberality.

Your petitioner, after the death of her husband, (who had the honor of bearing a commission in the naval service of his country,) subsisted on the bounty of her deceased son, Oliver Hazard Perry, whose filial devotion and affection were such as to leave none of her wants, and few of her desires, in this world, unsatisfied. During his life, he invariably set aside a liberal proportion of his pay and emoluments for the support of your petitioner, notwithstanding the many claims of his immediate family on his comparatively slender income.

The lamentable death of this son, on board of the John Adams, at Port Trinidad, in August, 1819, deprived your petitioner of this succor, and the burden of the support of herself and an unmarried daughter devolved on the younger branches of her family, more especially on her son, the late Lieutenant James Alexander Perry, whose recent loss your petitioner has also to deplore.

It must be within the knowledge of your honorable body, that, after the death of your petitioner's son, Oliver H. Perry, a bill was introduced into the House of Representatives, and finally passed both branches of Congress, making a provision for his immediate family. In this bill, as originally reported by the committee to whom it was referred, there was a clause affording a competent support for your petitioner. In its progress, however, through the House, some of its best friends, fearful that the whole bill might be lost if too much was asked, consented that the clause in your petitioner's behalf should be stricken out, which was accordingly done; and, in this shape, the bill ultimately passed, with an unanimity on the part of Congress that conferred an inestimable value on the gifts of their patriotic benevolence.

Your petitioner did not repine that the consideration of her claims, whatever they might have been, should have been thus postponed; it was enough that such a sacrifice was deemed essential in procuring a support for the wife and children of such a son.

About this period, the son of your petitioner, James Alexander Perry, who had recently been promoted to a lieutenantcy in the Navy returned from the Mediterranean, and forthwith contributed a large proportion of his pay and emoluments to the support of your petitioner. Had his precious life been spared, your petitioner would not have been constrained to make this application. The calamity by which this last resource has been cut off from your petitioner is known to you; and, although she cannot boast that this son has fallen in the battles of his country, she has the consolation of reflecting that, at the early age of thirteen, he fought by his brother's side in the memorable engagement on Lake Erie; and that the life which he had devoted to his country was sacrificed, ultimately, in a generous and noble effort for the preservation of another.

To confess our poverty is a humiliating declaration. Your petitioner is destitute, and her support, small as it is, is thrown on hands but inadequately

capable of bearing it. She knows not that she has any other claims on the liberality of her country, than to say that she has reared five sons for its service, and that she is the mother of that hero who earned for his country a brilliant victory, and triumphed over your enemies, as well in magnanimity as by the invincible force of your arms.

Your petitioner therefore humbly hopes that your honorable body will take her situation into consideration, and that you will be pleased to place her on the pension list for five years, or grant her such other permanent support or relief as to you shall seem meet and proper.

And your petitioner, as in duty bound, will ever pray, &c.

SARAH PERRY.

Death of William Lowndes.

Mr. HAMILTON, of South Carolina, rose and said, the melancholy intelligence which was announced in the gazettes of yesterday, of the death of my distinguished predecessor, the private advices which I have received from South Carolina have but too fully confirmed. When, sir, (said he,) it is recollected that Mr. LOWNDES was constructively a member of this House at the period of his death, for I believe that his resignation at that time had not then reached his home; but, above all, sir, when we consider the station which he occupied on this floor, with such remarkable honor to himself, and advantage to his country; when we are sensible that he was here as it were but yesterday, occupying that place which I now so feebly and inefficiently fill; that the impression left by his delightful character and commanding intellect, is yet almost animated by the vigor of life, I am sure you will not regard the few observations I shall offer on this mournful occasion, as an unseasonable trespass. I know too well how you cherish the recollection of his virtues, not to be certain of your kindest and most respectful sympathy.

It might, sir, be seemingly presumptuous in me to descant on his public virtues in this assembly, where they were so conspicuously exercised for a period of ten years, in which the richest and most various knowledge was successfully blended with the purity and ardor of an ingenuous spirit, and the intelligence of a lofty intellect. But, of his private virtues, I may be permitted to speak. At home, "where we knew him best and loved him most;" where our opportunities were most abundant for observing the delightful sway which the simplicity and modesty of his character exercised over the higher faculties of his nature, it will be allowed us to indulge in an affection for the individual which is quite equal to the admiration which accompanied him abroad. In the softer charities of human life, in the relations of husband, parent, friend, and master, he was amiably and conspicuously loved and distinguished.

There was a belief in which public opinion is supposed to have indulged, in regard to Mr. LOWNDES, which was radically unsound; that he was deficient in decision of character. The mistake naturally grew out of the extreme

JANUARY, 1832.]

Death of William Lowndes.

[H. OF R.]

facility of his disposition, in relation to all objects that were personally advantageous to himself; out of an habitual acquiescence in the postponement of his own interests and distinction, to make room for the aspirations of the more sanguine and confident. But, in any of those delicate junctures which arise in morals and patriotism, where it might be expedient to be wrong, but honest to be right, he had, and would uniformly have evinced the triumphant resolves of an undimayed and inflexible spirit. He had emphatically less self-love and more self-denial than any man who ever came within the sphere of my experience. These virtues were exemplified in a remarkable degree in the manner in which he received, and invariably treated, the nomination which was made, in his behalf, by his native State to the first office in the gift of this people.

Whatever opinion he might have entertained, as to the propriety of this measure, he could not but be sensible of the favorable estimation of those who had a right to know him most intimately, but his generous sensibilities were principally aroused by the ill omens which might possibly be gathered from flinging another competitor into the perilous and troubled arena. Whilst he was conscious that "the office of President of the United States was one neither to be solicited nor declined," he would have regarded it as the greatest misfortune of his life, if he could have won it by inflicting upon his country the example of successful intrigue and ambition—if he could have obtained it even by one harsh collision, which could have shaken the foundation of this Union.

In this review of an interesting era of his life, I am doing little more than giving utterance to those sentiments that fell from his own lips.

Alas, sir, when I contemplate the void his death has produced at home, that in a State not absolutely sterile in the production of able men, it will be long, if ever, that we can hope for the proud distinction of furnishing such a contingent of genius, worth, and knowledge, so large in its amount, so estimable in its qualities, for the service of our common country, I cannot but sink under an invincible dismay. Good men do not die, however, without bequeathing something to posterity. I have somewhere seen a remark, which appears to me to be as philosophically just as it is consoling to humanity. However feebly, I will attempt its illustration. Vice in its immediate operation is undoubtedly pernicious. The bad man poisons the atmosphere in which he lives, contaminates, "frets his busy hour on the stage," dies and is forgotten. But the virtuous man, such a being as our deceased friend, not only is a blessing to the age in which he lives, but his virtues visit the remotest posterity in a thousand impressive shapes, giving "ardor to virtue and confidence to truth." From his grave there arises a halo of unfading brightness!

I would now tender to you a resolution which would seem naturally to follow the few observa-

tions in which I have indulged; but I give way to the gentleman from Virginia, whose fortune it was to have and deserve the unbounded confidence, friendship, and esteem of my distinguished predecessor, while it comports best with my own feelings, that any testimonials of respect you may accord to the memory of my deceased friend should not come from the State I have the honor to represent.

Mr. AROHER, of Virginia, rose to follow, with the resolution which had been intimated by his friend from South Carolina, the feeling annunciation which had been just addressed to the House. That gentleman might well feel and speak more strongly than any other member of the House could do, on the subject of this melancholy event, from his more intimate association, both by residence and friendship, with the eminent man whose loss we deplored; and the peculiarity of whose character and fortune it was to be esteemed and beloved in the exact proportion in which he was known. It was, indeed, a character, Mr. A. said, in which the qualities which won esteem, were blended in the happiest union with those which commanded it. He had no intention of entering into any minute delineation of his character, for many reasons. The most important was, that he felt he was unequal to the office. Nor was it necessary, after the picture which had been presented to us to-day, to which if he attempted to add any coloring, he should only contribute to deface, perhaps that which did not require to be improved. Panegyric, on this occasion, was indeed rendered unnecessary by the settled feeling and opinion of this country in relation to Mr. Lowndes. He had been, for a considerable time conspicuously before the public, a part of that time comprehending a very trying period of our history, and the judgment of the public had been awarded in relation to him. He was already ranked with the eminent names which had passed by and been consecrated to national respect. He was already ranked as a man superior in worth as he was in mind—as one of the purest, and ablest, and most faithful of the statesmen who might claim from our country the meed of honor—as combining a large share of the highest titles to human deference and estimation, talent, and public service, and virtue. Mr. A. said that the House would be deficient in the discharge of its appropriate office, it would not reflect the sentiments and the wishes of the people whom it represented, if it omitted the testimony of respectful regret which was due to this afflicting occasion. The face of this country was clothed in mourning, and this countenance ought to be reflected in its proper mirror, the proceedings and language of this House. The House would be wanting in a due respect to itself, if it omitted this last tribute to a man who had filled so large a space in its service, and brought to it so great an accession of reputation. The House had, he knew, no disposition to withhold the tribute. Their feeling, on the subject, was in a true accord with the feeling of the country.

Some gentlemen might suppose, however, that the case was not comprehended by the rule of usage of the House, in this respect. If it were not so embraced, Mr. A. had no hesitation for himself in saying this was a case in which he would make a rule for the occasion. He acknowledged himself the obligations of precedent in no other place than a court of justice; conceiving, in all other places, a higher obedience to be due to the sources of precedent, the justice and reason from which it was presumed to spring. But the case did fall within the principle and intendment of the usage. We had been told, by his friend from South Carolina, that Mr. Lowndes was constructively a member of this House at the period of his lamented demise. But for the near approach and prospect of this event, his seat would never have been vacated; and because he refused to hold an office of which he was unable to discharge the duties, and had given, in his last public act, a new and further proof of his just claims to our esteem, was the testimony of our respect to be withheld from him which would otherwise have been accorded? This could not, Mr. A. knew, be the sentiment of the House. It was among the first duties of patriotism, especially in a free State, to accord a due testimony of public sensibility to eminent public service. It was the most unquestionable dictate of policy, in such a State, to hold out the incitements, at once so cheap and so splendid, to public virtue, which were afforded by the prospect of posthumous honor and reputation. A case could scarcely occur, calling more loudly for action, in reference to this duty and this policy, than that which was now presented. Mr. AROHER had no doubt that the House duly appreciated its obligation; and that there would be an unanimous accord in rendering the last office of respect which he was about to propose, to a man whom it would long be a subject of our pride to remember, and of our regret to have lost; and that, too, at a period of life at which he might have been expected to render still further services to his country, and to establish a still larger, though not more undoubted title to its esteem. He should, therefore, move that this House do

Resolve, That the members of this House will testify their respect for the memory of WM. LOWNDES, late a member of this House, from the State of South Carolina, by wearing crapes on the left arm for one month.

Mr. TAYLOR, of New York, addressing the Speaker, said, I rise to second the motion of the gentleman from Virginia, and to tender to him sincere thanks for having made it. To omit this homage of national respect, could in no wise impair the exalted and well-earned fame of our lamented friend, but it would indicate a want of sensibility to the greatest bereavement, in the loss of a citizen, which has befallen the Union since I have held a seat in its councils. The highest and best hopes of this country looked to WILLIAM LOWNDES for their fulfillment. The most honorable office in the civilized

world—the Chief Magistracy of this free people, would have been illustrated by his virtues and talents. During nine years service in this House, it was my happiness to be associated with him on many of its most important committees. He never failed to shed new light upon all subjects to which he applied his vigorous and discriminating mind. His industry in discharging the arduous and responsible duties constantly assigned him was persevering and efficient.

To manners the most unassuming—to patriotism the most disinterested—to morals the most pure—to attainments of the first rank in literature and science—he added the virtues of decision and prudence so happily combined, so harmoniously united, that we knew not which most to admire, the firmness with which he pursued his purpose, or the gentleness with which he disarmed opposition.

His arguments were made, not to enjoy the triumph of victory, but to convince the judgment of his hearers; and when the success of his efforts was most signal, his humility was most conspicuous!

You, Mr. Speaker, well remember his zeal in sustaining the cause of our country in the darkest days of the late war. You cannot have forgotten—who that heard him can ever forget the impression of his eloquence in announcing the resolution of thanks to the gallant Perry, for the victory of Lake Erie? Alas! alas! the statesman has joined the hero—never, never again shall his voice be heard in this Hall. We shall hear him no more, until the voice of the Archangel shall summon the grave to surrender its dead.

When Mr. TAYLOR sat down—

Mr. AROHER rose again, and said that there was one topic of especial recommendation to the regard of this House possessed by Mr. LOWNDES, which, through inadvertence, he had omitted, and which he would now, in reference to his own feelings, and not for any purpose of aid to the resolution, ask permission to supply. It was that, although the highest allurements had been held out to him to do so, as Mr. A. had good reason to believe, he could never be induced to change for any sphere of public service generally regarded as more honorary the service of this House. There was nothing, Mr. A. said, which could have separated him from us but the grave.

The question was then taken on agreeing to Mr. AROHER's motion; and it was determined in the affirmative *nem. con.*

On motion of Mr. RYAN, of Georgia, the House then immediately adjourned.

WEDNESDAY, JANUARY 22.

Testimonials of Respect.

Mr. WRIGHT rose, and remarked, that yesterday we had paid a just tribute of respect to the memory of the Hon. WILLIAM LOWNDES, late a member of this House; and he felt great pleasure, as it was a new case, that it was unanimously adopted. It has established a precedent

JANUARY, 1823.]

Mouth of the Columbia.

[H. OF R.]

which he presumed the House would consider itself bound to observe. He therefore moved the following resolution, which was unanimously adopted :

Resolved, That this House will testify its respect for the memory of THOMAS VAN SWEARINGEN of Virginia, LUDWIG WORMAN of Pennsylvania, and JAMES OVERSTREET of South Carolina, members of this House, by wearing crape on the left arm for one month.

SATURDAY, January 25.

A Message received from the PRESIDENT OF THE UNITED STATES some days since, was read, and is as follows :

To the House of Representatives of the United States :

The Convention concluded and signed at St. Petersburg, on the 21st of July last, under the mediation of His Imperial Majesty the Emperor of all the Russias, having been ratified by the three powers, parties thereto, and the ratifications of the same having been duly exchanged, copies of it are now communicated to Congress, to the end that the measures for carrying it, on the part of the United States, into execution, may obtain the co-operation of the Legislature, necessary for the accomplishment of some of its provisions. A translation is subjoined of the three explanatory documents in the French language, referred to in the fourth article of the Convention, and annexed to it. The agreement executed at the exchange of the ratifications, is likewise communicated.

JAMES MONROE.

WASHINGTON, Jan. 16, 1823.

The said Message and documents were referred to the Committee of Ways and Means.

MONDAY, January 27.

Symmes's Theory.

Among the petitions presented to-day was the following, presented by Mr. J. T. JOHNSON, of Kentucky :

To the honorable the Senate and House of Representatives in Congress assembled :

The petition of the subscribing citizens respectfully sheweth, that, in our opinion, both the national honor and public interest may be promoted by the equipment of an exploring party, for the purpose of penetrating the Polar regions, beyond the limits at present known; with a view, not only of making new discoveries in geography, natural history, geology, and astronomy, but of opening new sources of trade and commerce.

And it is our further opinion, that Captain John Clevie Symmes, late of the United States Army, who professes to have originated a new theory of the earth, which may be verified by a voyage to the North, will be a suitable person (assisted by men of science and experience) to be intrusted with the conduct of such an expedition.

Independently of the truth or error of Symmes's theory, there appear to be many extraordinary circumstances, or phenomena, pervading the Arctic and Antarctic regions, which strongly indicate something beyond the Polar circles worthy of our attention and research.

We, therefore, pray Congress to pass a law granting an exploring outfit, in conformity to our memo-

rial; and thereby at once subserve the cause of philosophy and the earnest wishes of your constituents.

Mr. JOHNSON moved to refer it to the Committee of Foreign Relations.

Mr. FARRELLY, of Pennsylvania, moved to lay it on the table.

Mr. JOHNSON hoped it would not be laid on the table. The memorial had many respectable signatures, and perhaps, on further examination, it might turn out that something useful might grow out of the investigation of it.

The motion to lay the memorial on the table was negatived.

The question recurring on referring it to the Committee on Foreign Relations—

Mr. ARCHER suggested the propriety of referring it, in preference, to the Committee on Commerce, the object of the memorialists being probably to establish a commerce with the interior inhabitants.

The question to refer the memorial to the Committee on Foreign Relations was decided in the negative—56 to 46.

On motion of Mr. LITTLE, the memorial was then ordered to lie on the table.

Mouth of the Columbia.

Mr. FLOYD moved that the House proceed to the consideration of the bill, now lying on the table, to provide for the occupation of the mouth of the Columbia.

Mr. CHAMBERS, of Ohio, required the yeas and nays to be taken on this question, in order to determine, by that test, whether the House were really determined to act upon the subject at the present session.

The question on taking up the bill was accordingly decided, by yeas and nays, as follows :

YEAS.—Messrs. Allen of Massachusetts, Archer, Barber of Connecticut, Baylies, Bayly, Burrows, Carter, Colden, Conkling, Cuthbert, Durfee, Eddy, Eustis, Findlay, Floyd, Forward, Hamilton, Herrick, Hill, Holcombe, Hubbard, F. Johnson, J. T. Johnson, Jones of Virginia, Jones of Tennessee, Keyes, Little, McKim, McLane, Mallary, Metcalfe, Moore of Virginia, Moore of Alabama, Morgan, Nelson of Massachusetts, Newton, Pitcher, Reed of Massachusetts, Reid of Georgia, Rochester, Ross, Ruggles, Russell, Saunders, Scott, Arthur Smith, Alexander Smyth, A. Stevenson, Taftnall, Thompson, Trimble, Vance, Van Wyck, Walker, Walworth, Whipple, White, Williamson, Woodcock, Woodson, and Wright—61.

NAYS.—Messrs. Abbot, Alexander, Allen of Tennessee, Ball, Barber of Ohio, Barstow, Bassett, Bateman, Blackledge, Breckenridge, Brown, Buchanan, Butler, Cambreleng, Campbell of New York, Campbell of Ohio, Cannon, Cassedy, Chambers, Cocke, Condict, Conner, Cook, Crafts, Cushman, Dane, Darlington, Denison, Dickinson, Dwight, Edwards of Connecticut, Edwards of North Carolina, Farrelly, Forrest, Garnett, Gilmer, Gist, Gross, Hall, Hardin, Harris, Harvey, Hawks, Hemphill, Hobart, Hooks, Ingham, Jennings, J. S. Johnston, Kent, Lathrop, Leftwich, Lincoln, Litchfield, McCarty, McCoy, McNeill, McSherry, Matson, Mattocks, Mercer, Mitchell of Pennsylvania, Montgomery, Murray, Neale, Nelson of Maryland, New, Patterson of New York, Patterson of Pennsylvania, Phillips, Pierson, Plumer

of Pennsylvania, Rankin, Reed of Maryland, Rhea, Rich, Rodney, Rogers, Russ, Sergeant, Sloane, W. Smith, Sterling of Connecticut, Sterling of New York, J. Stephenson, Stewart, Stoddard, Swan, Taylor, Tod, Tomlinson, Tracy, Tucker of South Carolina, Udree, Upham, Van Rensselaer, Williams of Virginia, Williams of North Carolina, Wilson, and Wood—100.

So the House refused to take up the bill.

TUESDAY, January 28.

Indian Reservations.

MR. RANKIN, from the Committee on Public Lands, delivered the following report:

The Committee on the Public Lands, to whom were referred the petitions of William Wilson, Andrew Lacy, Amos Robertson, Conesleaky, John McNary, and Joseph Elliot, formerly of the Cherokee nation of Indians, but now within the State of Alabama, praying that certain reservations of land, made by treaty to them for life, and in fee simple to their heirs, be vested in the present possessors, in fee simple, report: Heretofore humanity has in vain extended her hand to rescue from annihilation whole nations, aborigines of this country. As we have increased, they have diminished; and, while they have disregarded or avoided our arts of civilization, they have seized our vices with avidity, by which they have wasted away, until the very names of nations, once powerful, are now scarcely recollected or known. While thus gradually disappearing, they have, at all times, since the discovery of this country, been abundantly supplied with missionaries, zealous in the work of humanity and religion, who have constantly presented the most flattering pictures of their success in civilizing and christianizing them. A single question, the answer to which every one is prepared to make, presents a most melancholy commentary on these reports of success. Where have been, where are these subjects, trophies of your victories over ignorance, cruelty, superstition, and barbarism? Experience has long since proclaimed, in language too strong to be disregarded, the almost total inefficiency of the measures heretofore adopted, for the civilization of Indians, and most strongly indicated the necessity of adopting a different policy. Reason unites with experience on this subject. If the wilderness converts to savages our own people, in defiance of early habits, and their having been reared and educated in the bosom of civilized society, can we expect, in such a place, to change the man, by nature, education, and habit, a savage? Mere occupancy, without the power of disposing of it, is too slender a hold on property to render its acquisition desirable. Custom, the established common law of some Indian nations, deprives the parent of the power of transmitting to his own offspring, when he is torn from them by death, any property, real or personal, he owned while living. Such things necessarily paralyze the arm of industry. The example one individual presents to another in society, and an honorable competition in the accumulation of property, is also a powerful stimulus to industry. This stimulus can never be felt in the bosom of the savage, who has no example of industry to imitate, no competition in the pursuit of wealth, no paternal feelings to gratify, in providing a competency for his children; but whose habitation is the wilderness, and his farm the chase. The only instances among Indians of a

desire to accumulate property, and to progress in civilization, are found connected with ideas of separate property, received from our people, who have settled among them, and formed matrimonial connections with them. The commissioners who formed the treaties by which these reservations were made, appeared to have viewed the impossibility of civilizing Indians, while permitted to roam through an extensive wilderness, without any of the inducements to industry, which spring from separate property, as demonstrated by experience; and intending to stimulate them to industry, by the example of our own citizens, and the security of their property; to teach them the arts of civilization, and preserve them from that destruction which has attended other nations, made these reservations for the benefit of the Indian. To those attached to his manner of living, and to the Indian himself, the condition that he shall forfeit his land if he abandons it, is disagreeable; but the inconvenience will be much less to their children, educated with different habits, than to the original possessor. But, if permitted to alien these estates, is it not highly probable that both would return and sink into the savage state? Your committee are not prepared to say, until it is at least tested by experience, that this new course of policy, adopted by the commissioners making these reservations, is founded in error; but, on the contrary, we believe that a correspondent policy, adopted by the States interested, would lead to an early extinguishment of the community of Indian title, and more effectually lead to their civilization, than any measures which could be adopted. Nor are we prepared, at this time, to say that it is within the scope of the powers of Congress, to enlarge the life estate of the present possessor, so as to defeat the fee simple right already vested in the heirs.

From a careful examination of this subject, the committee have agreed to recommend to the House the adoption of the following resolution:

Resolved, That the petitioners have leave to withdraw their several petitions and accompanying documents.

The report lies on the table.

The Case of Judge Tait.

MR. JOHNSTON, of Louisiana, from the Committee on the Judiciary, to which was referred the letter and accompanying documents of Edwin Lewis, containing charges against the official conduct of Judge Tait, a district judge of the United States for the State of Alabama, made a report exonerating the said judge; which was ordered to lie on the table.

The report is as follows:

The Committee on the Judiciary, to whom was referred the letter and documents of Edwin Lewis, containing charges against the official conduct of Judge Tait, a district judge of the United States for the State of Alabama, have had the same under consideration, and report:

That, as far as it is their duty to inquire, they find no irregular or illegal proceedings, and that they do not form any ground of accusation before this House.

The two first and principal charges upon which the petitioner relies in sustaining his application, consist in:

1st. Refusing to permit Edwin Lewis to practice in his court as an attorney at law.

2d. In using insulting language and gestures, on

JANUARY, 1823.]

The Beaumarchais Claim.

[H. OF R.]

the bench, towards said Lewis, on his offering to qualify.

It appears that the petitioner did not present himself before the court in the usual form, with the evidence of his qualification, and the testimonials of his character—but unceremoniously offered himself to the Clerk, who was in the act of administering the oath without any authorization, or even notification to the Judge. This departure from ordinary usage, and this want of respectful attention, was construed, perhaps, into an act of rudeness, and might have been repressed with language deemed offensive. But, with regard to the second charge, it does not appear by the petition what language was used, or gestures employed; nor is there any evidence of the fact; and there is, moreover, the negative to be inferred from the certificate of the Clerk, in his silence on this point. It appears that the Judge refused to allow him to qualify, stating “that he had that within his own breast, which would exclude him;” and this constitutes the injury of which he complains.

Your committee therefore recommend the adoption of the following resolution:

Resolved, That Edwin Lewis have leave to withdraw his letter and documents.

The report was laid on the table.

The Beaumarchais Claim.

MR. ANDREW STEVENSON, from the committee to whom was referred the claim of the heir and representative of the late Caron de Beaumarchais, made a report, accompanied by a bill relative to the heirs of Pierre Augustin Caron de Beaumarchais. Mr. S. made the usual motion to refer the bill to a Committee of the Whole, and make it the order of the day for to-morrow.

The SPEAKER suggested that the making it the order of the day for to-morrow was a mere nominal assignment of its place in the order of business—there being at least a hundred and fifty cases on the docket which would have preference over it.

MR. A. SMYTH, of Virginia, moved to refer the bill to a Committee of the Whole on the state of the Union. It was proper, he said, that questions of national concern should take that course. This subject was of that nature, and more especially so, since the Government of France had urged it on the attention of the United States.

The question was taken on Mr. SMYTH's motion, and decided in the affirmative, by a majority of two or three votes.

The report is as follows:

The committee, to whom was referred the Message of the President of the United States in relation to the heirs of Pierre Augustin Caron de Beaumarchais report:

That this claim has been so frequently under the consideration of Congress, and so long the subject of general interest and inquiry, that the committee deem it unnecessary to enter into a minute detail of all the facts and circumstances connected with it; more especially, as there have been several reports heretofore made by committees of this House, to whom the subject was referred, to which your com-

mittee now beg leave to refer, and respectfully request that the same may be considered as forming a part of the present report. These detailed reports, with the documents which accompany them, it is believed, present such a view of the case as will enable the House to judge fairly of its merits; the committee will, therefore, content themselves with presenting the general result of their investigation, rather than the reasoning and arguments by which that result has been obtained.

The present application, on the part of Mrs. Eugenia Beaumarchais Delarue (the daughter of the late Caron de Beaumarchais), is for the sum of one million of livres (equal to \$185,185 18), besides interest, which is alleged has been improperly deducted from the account of her father against the United States, in the final settlement at the Treasury, in the year 1805. This settlement is admitted to be conclusive between the representative of Beaumarchais and this Government, except as to this million of livres, claimed by the United States as a credit against the admitted balance of Beaumarchais' account. The right to discount this million is maintained, on the part of the United States, upon the ground that it was one of the three millions of livres admitted (on the contract entered into on the 25th of February, 1783, between the Count Vergennes and Doctor Franklin) to have been gratuitously given, before the treaty of 1778, by the King of France to the American Government, as aid and subsidy; that it was received by Beaumarchais on the 10th day of June, 1776, for the use and benefit of the United States, and that he is bound to account for its application to the American Government, or stand chargeable with its amount.

The committee are of opinion that two questions only arise in this case which are necessary at this time to be considered and decided; the first is, whether the one million of livres admitted to have been received by Beaumarchais in June, 1776, was one of the three millions given by France to America, and mentioned in the contract of 1783; and, secondly, if so, whether it was received by Beaumarchais, as the agent of the United States, and used by him in procuring the arms and supplies furnished to the United States, and charged in his account against them.

As the amount of Beaumarchais' account is admitted to be just, by the settlement at the Treasury, in 1805, this Government must sustain, by proof, both the foregoing propositions, before it can rightfully discount this million; and if they fail in making good the discount, it follows that the million is still due to the heirs of Beaumarchais, and ought to be paid.

The first point is very clearly made out, in the opinion of the committee. They are satisfied that the million of livres paid to Beaumarchais on the 10th of June, 1776, was one of the three millions mentioned in the preamble to the contract of 1783, and that it was received by Beaumarchais from the King of France, to be used in some secret service connected with the interests of the United States, and to aid them in their contest with Great Britain.

The testimony and circumstances in the case establish conclusively these facts; but, upon the second point, it is equally clear to your committee that the evidence does not warrant the opinion that it was used by Beaumarchais, under any obligation of ac-

counting for it to us, or for the purpose of procuring the arms and supplies furnished by him to the United States, and charged in his account; on the contrary, they are satisfied that this million was paid by the French Monarch to Beaumarchais, as his confidential agent, for some secret political purpose, connected, no doubt, with the American cause, and intended to be applied secretly, and in such manner as he should direct; that this was accordingly done, and in a short period of time after its receipt.

That this million was not received by Beaumarchais, as the agent of the United States, but as the secret confidential agent of the French Government, your committee cannot doubt; that he was responsible only to his own Government, and not accountable to ours, they have as little doubt; nor can they see with what propriety or justice this act of confidence, on the part of Louis XVI., can or ought to be seized on by this Government, and made an act of ruin towards this generous and distinguished foreigner, or his orphan daughter.

The committee are therefore of opinion that the American Government is not entitled to offset this million; that the evidence, both upon legal and equitable principles, not only falls short in sustaining this right, but it is wholly insufficient to raise even a well-founded presumption that it was used by Beaumarchais in any way to authorize this Government to debit him with the amount, or hold him responsible for its application.

This opinion of your committee has not been hastily formed; the interesting and important character of the claim, originating in transactions immediately connected with our Revolutionary struggle and independence, and attended with such peculiar circumstances, induced your committee to give it a patient and thorough investigation; and they feel all that confidence in the result of their labors which the most diligent examination and impartial consideration can give.

They therefore recommend that provision be made by law for the payment of one million of livres, with interest, to the daughter of Beaumarchais, and for that purpose they ask leave to report a bill.

WEDNESDAY, January 29.

Another member, to wit, from South Carolina, JOEL R. POINSETT, appeared, and took his seat.

Progress of the Commissioners in running the Boundary Line between the United States and Great Britain, under the Ghent Treaty.

Mr. RUGGLES submitted the following resolution, which was read, and laid on the table one day, under the rule:

Resolved, That the President of the United States be requested to lay before this House such information, not heretofore communicated to Congress, as he may possess, in relation to the progress made by the commissioners under the sixth and seventh articles of the Treaty of Ghent, in ascertaining and establishing the boundary line between the United States and the British Provinces, described in the said articles; and whether any map of said boundary has been made and returned by the commissioners; whether they have had any meetings within the last year; and how much and what part of said line, has

been settled and established, or surveyed since the first day of January, 1822; and within what time the duties of the said commissions may probably be completed:

And that the President be further requested to inform this House, whether any, and what, measures have been taken under the fourth article of the treaty with Spain, of the 22d February, 1819, for fixing the boundary line described in the third article of the last-mentioned treaty; and whether any part of the said line has been fixed and designated.

TUESDAY, February 4.

Lawless Expeditions against Powers at Peace with the United States.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows:

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 12th of December last, requesting the President to communicate to the House such information as he might possess, with regard to any expedition prepared in the United States, and having sailed from thence, within the year 1822, against the territory or dependency of any power in amity with the United States; and to inform the House whether any measures had been taken to bring to condign punishment persons who have been concerned in such expedition, contrary to the laws,—I transmit to the House reports from the Secretaries of State and of the Treasury, with the documents mentioned in each. Those documents contain all the information in possession of the Executive relating to the subject of the resolution.

That a force of a very limited extent has been equipped in the ports of the United States, and sailed from thence, for the purpose described in the resolution, is manifest, from the documents now communicated. The report from the collectors of Philadelphia and New York will show in what manner this equipment escaped their notice.

The first information of this equipment was received from St. Bartholomews, the place of its rendezvous. This was confirmed afterwards from Curaçoa, with an account of its failure. Should any of those persons return within the jurisdiction of the United States, care will be taken that the laws applicable to such offences are duly enforced against them. Whether any aid was afforded by others, to the parties engaged in this unlawful and contemptible adventure, in the ports in which it was planned, inconsistent with ordinary commercial transactions, and contrary to the laws of the United States, will be referred to the Attorney General, on whose advice any measures in regard to them will depend.

JAMES MONROE.

FEBRUARY 4, 1823.

The Message and documents were ordered to lie on the table.

Coins and Mint.

Mr. ROCHESTER, from the committee appointed on the 18th ultimo, and who were by a resolution adopted on the 23d ultimo instructed to inquire into the expediency of prolonging

FEBRUARY, 1823.]

Coins and Mint.

[H. OF R.]

the continuance of the Mint at Philadelphia, and whether any amendments in the laws regulating the coins of the United States, be necessary; and also whether it would be expedient to make certain foreign gold coins receivable in payment of debts due to the United States,—made a detailed report, accompanied by a bill to prolong the continuance of the Mint at Philadelphia; which was read twice, and committed to a Committee of the Whole.

The report is as follows:

That, on the 16th day of October, 1786, Congress passed an ordinance for the establishment of a Mint, agreeably to resolutions of the 8th August preceding, founded on a report from the then Board of Treasury.

That, on the 2d of April, 1792, the first act passed regulating the coins of the United States, and establishing a Mint, to be situate and carried on at the Seat of Government for the time being. This act defined the national standard, and designated the description and denominations of the various American gold, silver, and copper coins.

No alteration has been since made by law in the standard, relative value, or weight, of the respective coins, except in those of copper, which, by an act of 14th January, 1793, underwent a small diminution of weight, and were, subsequently, by an act of 27th December, 1795, on account of the increased price of copper, reduced to their present weight, viz., seven pennyweights for cents, and for half cents in proportion. On the removal of the Seat of Government to Washington, by an act concerning the Mint, of 3d March, 1801, the Mint was continued at Philadelphia until 4th March, 1803, and has been continued there since, by several successive acts of Congress, the last of which, approved 14th January, 1813, will expire on the 4th day of March next.

It is hardly necessary to urge the propriety of continuing the Mint. All well regulated commercial countries maintain establishments for the making of national coinage. Ours has the sanction of a resolution of Congress, so long ago as the 21st February, 1782, predicated upon a report of a committee of the States. It is at present in a highly improved state, and fully adequate to all its appropriate purposes.

The power to coin money, and to regulate its value, being vested by the constitution in Congress exclusively, the States might reasonably complain, were the exercise of a power so intimately connected with the regular operations of business and trade, and, in some degree, involving our national character, to be neglected.

At the commencement of the present year, the silver coined at the Mint amounted to \$12,611,199, and the gold coinage to \$7,709,847. The committee cannot pretend to any precision in estimating the probable amount of gold and silver coins now in the United States; some of our statistical writers put it at sixteen millions, being one and a half million less than was supposed to be in the country in 1804, according to Blodget's Manual. It is thought, however, not to be underrating the present aggregate amount, by stating it (including foreign gold and silver) at less than has been coined of those metals at our Mint.

With respect to the copper coinage it may be necessary to state, that, since the year 1795, copper, in

the form of planchets, ready for coinage, has been procured on contract from England; that the supply now on hand, uncoined, will probably give employment to the Mint for the remainder of the year 1823, on this description of coinage, and is estimated to be worth about \$14,000; the total amount of copper coinage at this time is \$446,400; it is the only branch of coinage which has afforded any profit to the Government; this profit has varied from time to time, according to the price of copper in England, and the rate of exchange, but may fairly be set down at about twenty per cent. Should the mines in the regions of Lake Superior, spoken of in the intelligent communication made to the Secretary of War by Mr. Schoolcraft, Indian agent at the Saut of St. Marie, and submitted to Congress in December last, prove as valuable as the agent represents them, there is little doubt but that, in the event of the extinguishment of the Indian title thereto, and of the erection of a refining establishment on an efficient basis, taken in connection with the increasing facilities for transportation, by water, from that region to the seaboard, they will furnish a superabundant supply of copper for all the purposes of the Mint, as well as for every other necessary one, at a much cheaper rate than that at which the same metal may be brought from England.

The committee are not aware of any circumstance, growing out of the operations of the Mint, or of the manner in which it has been conducted, which denotes any abuse, or demands a suspension of its operations. Its location is, perhaps, on all accounts, as favorable as any other which might be designated, and for some reasons obviously more so, to wit: economy in the public expense. The whole establishment, including buildings, lots, and machinery, has, altogether, cost about \$86,000, and, if exposed to sale, would probably fall far short of the expense that would be necessary for the purchase of another suitable site, and for the erection and furnishing of a National Mint at the Seat of Government.

Again, most of the deposits of gold and silver have been, and probably will continue to be, made by the Bank of the United States; and those that are not made by that bank are generally transferred to it in Mint certificates. This fact would seem to indicate the propriety, if not necessity, of keeping those two institutions near each other.

Under the laws regulating the operations of the Mint, no seigniorage can be charged on the coinage of gold or silver. On copper, which, as before mentioned, is coined on account of Government, the profit, during the last five years, has exceeded \$30,000.

For some time after the establishment of the Bank of the United States, large deposits were made through it in European coins; and, of late years, the deposits of silver, from Mexico and the Republics of South America, have been very considerable, generally through the same medium. While the mints of those countries are in a great measure inoperative, there is no doubt but that the bullion from the mines may increase our deposits; yet, when their mints renew their operations, (as doubtless they will before long,) the importation of their coins and bullion must wholly depend upon the extent of our commerce with them. The importation of gold from thence, which has found its way to the Mint, has never been very considerable; that of their silver, during the last five years, amounts to \$1,476,680,

H. OF R.]

Western Armory proposed.

[FEBRUARY, 1832]

while that from all other places amounts to \$2,869,024.

The committee ask leave to bring in a bill for the further continuance of the Mint at Philadelphia; to which bill they have added a section, providing an amendment in the existing laws, which allow no deduction for the refining of silver, unless when below our standard, nor any compensation for the expense of alloy in reducing to the legal standard such silver deposits as are of a quality superior to the standard.

The Director of the Mint, in a communication of the 30th ultimo, addressed to a member of the committee, states, that "it has been ascertained, from many years' experience, that the wastage on coining is about one grain per ounce—and this is the allowance made to the chief coiner. That on melting and refining would probably be as much; but a reduction is made from this of all the charges for refining gold and silver below our standard, which is accounted for to the Treasury of the United States. Nothing is retained, except for refining the gold and silver below our standard; and that, as above, is deducted from the allowance of wastage. This, during the last five years, amounted to \$2,147."

Western Armory proposed.

Mr. BRECKENRIDGE, of Kentucky, submitted for consideration the following resolution:

Resolved, That the Committee on Military Affairs be instructed to report a bill to establish a National Armory on the Western waters.

The resolution having been read—

Mr. BRECKENRIDGE said, he had offered this resolution, without intending the smallest imputation on the Military Committee; and he thought he was justified by circumstances, in pressing it on the consideration of the House. Such a resolution had been offered at the last session of Congress, and referred to the Military Committee; but that committee was so divided in opinion on the subject, that they could not agree upon a report, and the subject was not finally acted upon, in any way, at the last session. At the present session, Mr. B. said, he had himself presented a similar resolution, and he understood that the Military Committee was now divided in opinion upon the subject, as they had been at the last session; and, although a majority of the committee was in favor of the object, a majority could not agree on the particular mode by which the object shall be accomplished. Mr. B., therefore, had thought it proper to present the question thus directly to the consideration of the House. That the measure was important and of peculiar interest to the Western country, could not, Mr. B. said, be denied. How, he asked, do the facts stand? We find, by a report laid before the House at this session, that there is a deficiency in the proportion of arms which ought to be delivered to the Western country by the General Government. According to that report, supposing that the nine Western States and Territories contain one-fourth of the population of the country, there is a deficit of upwards of three thousand stand of arms in the yearly quantity

furnished to the Western country. He believed, he said, that there is too high a sense of justice in Congress to suffer them for a moment to refuse that portion of the benefits of their legislation to the Western country, which it is by its population and circumstances entitled to. The militia of the Western country are as subject as any other, in time of war, to calls upon them for actual service; and in what situation were a portion of that militia, when called to the field during the last war? They were found destitute of arms; the Government was unable to supply them; they were marched, however, to the field of battle, and whilst in the field were slaughtered without arms in their hands wherewith to defend themselves. We all recollect the scenes which occurred on the bank of the Mississippi, where hundreds of your citizens were marched to meet the enemy, not even with arms in their hands, but to be slaughtered without the power of resistance. It is the duty of every nation, said Mr. BRECKENRIDGE, in time of peace to prepare for war. As one of the means of discharging this duty, you are manufacturing arms. On this side of the mountains, you have two extensive manufactories of arms; and you have also a Military Academy. These establishments, he said, were proper and valuable to prepare us in some degree for the awful period of war. But will you not arm all your citizens alike? Will you not arm the West as well as the East, and expend some portion of your money there as well as here? Millions on millions are expended on public establishments on this side of the mountains, and nothing on the other. We ask you not, said Mr. B., for navies, fortifications, lighthouses, &c., but simply for arms for the militia of the West. That portion of our militia behaved, during the late war, at least as well as those of any other portion of the United States, and their claims, and the claims of the Western country, in regard to the matter now before the House, were entitled to be heard, and ought to be heard. According to the statements before the House, the quantity of arms annually made for the United States was about 38,000, viz: 24,000 by the public armories, and 14,000 by contracts, made under the act of 1808 for arming the whole body of the militia of the United States. It was well known that the arms made at the public factories are better than any that are made at the private establishments; the expense of transportation across the mountains, too, was as much as one-fourteenth of the value of the arms, both which considerations strongly recommended the establishment of an armory on the Western waters by the Government. Shall we, said he, again place ourselves in the situation in which we were placed during the late war? At that time, arms were sent by the Government from this quarter to New Orleans. And when did they arrive there? After the war was at an end; after the enemy had been expelled. The vessel carrying the arms was three months in getting from Pittsburg to New Orleans. With regard to the consideration of

FEBRUARY, 1838.]

Foreign Coins.

[H. OF R.]

expense, he presumed this proposition would meet with no objection on that score. Materials, labor, and the necessaries of life, are cheaper on the other side the mountains than they are on this side, and more abundant. We have project upon project on foot for the employment of the three millions of dollars which are understood to be now in the Treasury. No better objects can be devised for this purpose than those which justice imposes upon us. One of these is to equalize the distribution of arms so as that the West should receive its due proportion, instead of much less than its due proportion, which, from the documents before the House, it appeared now to receive. In order that an end may be put to this inequality, in the most efficient and convenient and least expensive manner, he proposed this resolution, which he hoped would be agreed to.

After some discussion on the resolution, Mr. Top asked if the hour allotted by rule to the reception of original propositions had not expired? Being answered by the Speaker that it had, Mr. Top moved that the House do resolve itself into a Committee of the Whole, with a view to take up the bill for the encouragement of manufactures.

The House agreed to the motion, thus postponing until to-morrow the discussion of Mr. BRECKENRIDGE's motion.

WEDNESDAY, February 5.

Foreign Coins.

Mr. ROCHESTER, from the committee appointed on the 13th ultimo, and who were instructed on the same day to inquire into the expediency of continuing in force, for a further term, the currency of the crowns and five-franc pieces of France, made a report thereon, accompanied by a bill to continue in force an act, entitled "An act regulating the currency, within the United States, of the gold coins of Great Britain, France, Portugal, and Spain, and the crowns of France and five-franc pieces," passed on the 29th day of April, 1816, so far as the same relates to the crowns of France and five-franc pieces; which bill was read twice, and committed to the Committee of the whole House, to which is committed the bill further to prolong the continuance of the Mint at Philadelphia. The report is as follows:

That, by the act of the 29th of April, 1816, these coins were declared to be a tender for the term of three years; the crowns, at the rate of 117.6 cents per oz., and the francs at the rate of 116 cents per oz. The former had been made a tender by two earlier acts, which had been allowed to expire. Foreign gold coins ceased to be a tender on the 1st November, 1819; and, on the 8d March, 1819, the act of the 29th April, 1816, was continued in force, so far as related to crowns and francs, until the 29th April, 1821. On the 8d March, 1821, it was further continued in force, to the same extent, until the 29th April next. From assays lately made at the Mint, the value of these coins, per ounce, has been ascer-

tained to be greater than that of Spanish milled dollars and of American silver coins.

It is believed the acts above referred to were passed with little or no opposition, and that no complaints have been made respecting their practical effects; and when we take into view the increasing difficulty of fulfilling engagements by specie payments, which is the inevitable consequence of the acknowledged diminution of the aggregate amount of our metallic medium during the current year, the expediency of continuing crowns and five-franc pieces a tender, for a further term, forces itself upon the minds of your committee more strongly than at any former period.

It is believed that the gold coins, both foreign and domestic, have been almost wholly exported. They have certainly been withdrawn from circulation to such an extent that some very intelligent writers have asserted, with every probability of being correct, that there is not now in the United States one gold coin for every thirty that were in the country five years ago. Without inquiring into the causes which have produced this extraordinary drain, it may be added that they have, likewise, operated to rid us of American and Spanish milled dollars to nearly the same extent, and have left in the country scarcely any of its usual metallic currency, except that which consists of the crowns of France, five-franc pieces, and those silver coins which are of denominations less than a dollar.

In corroboration and illustration of the foregoing statement, your committee beg leave to subjoin a few well ascertained facts:

There is, and has been for many months, an uninterrupted and rising demand, in our seaport towns, for all descriptions of gold coins and dollars, for the purpose of remittances to foreign countries. It is well known that the former are never underrated in any country, whilst the Spanish milled dollars have a universality of circulation exceeding that of any other coin. The American dollar is received in the East Indies at from one and a half to two per cent. less than the dollar of Spain. There is very little foreign demand for five-franc pieces, and none for crowns.

The balance of specie and bullion exported from the United States, during the fiscal year ending on the 30th of September last, according to the custom-house entries, amounts to \$7,484,684; but it is supposed that the law prohibiting the landing of specie, without a previous entry at the custom-house, particularly that which comes from countries where its exportation is forbidden, is sometimes evaded. Whether this surmise be true, and to what extent, the committee will not undertake to say; nor does any thing beyond an allusion to it fall within the scope of the present inquiry. But when it is recollected that the amount of specie exportations may also be underrated, from a portion of it going out of the country without entry, it requires no great stretch of credulity to believe that the balance against the United States for the said year amounts to at least six millions of dollars.

There is no reasonable ground to suppose that the account current has assumed a more favorable aspect for the last four months; and there is less doubt that the said balance was made up principally, if not altogether, of gold coins and of dollars.

In consequence of the high rate of all foreign exchange, especially that of England, which has for a long time vibrated from 10 to 12 per cent., it has

been confidently asserted that some of the banks in the largest commercial cities in the Union, in conducting which great skill and foresight have generally been discovered, have at this time on hand a greater amount of crowns and five-franc pieces than of all other descriptions of specie; and that none of them have much gold of any kind, and scarcely a single American or Spanish dollar.

Your committee have no reason to believe that a better state of things exists in either of our other cities, with the exception, perhaps, of Philadelphia; the proximity of whose moneyed institutions to the Mint affords them some little additional facilities in procuring coins in cases of emergency; and not including the Bank of the United States, which possesses a decided advantage over all the others, on account of the revenue deposits; yet, notwithstanding such an immense advantage, this bank at one time found it necessary to import quantities of foreign coin, specially with the view to meet any possible exigency which might press upon it.

As one among the many proofs that might be adduced to show the extent and rapidity with which specie has been banished from the United States, the committee submit a statement, which they think will not be contradicted, that the specie in the Boston banks, which, in January, 1821, appears to have amounted to nearly two and a half millions of dollars, was, in June last, reduced to \$406,275. It is impossible to state, with any certainty, the comparative extent of the whole diminution in the United States; but many commercial men estimate that about one-third of all the specie in the country left it in the course of the last year.

Should the act of Congress, making the crowns and francs a lawful tender, be suffered to expire at this time, and any serious or large demand be suddenly made upon the banks, they might find it extremely difficult, if not impossible, to meet it. Such an event would be highly injurious, and it might, therefore, be dangerous to degrade their present metallic capital. Even now, with what they have in their vaults, they are frequently subjected to unpleasant embarrassments in providing for the demands which are occasionally made from one commercial place on another; and it is believed that, for nearly a year past, their principal support and credit have been derived from mutual forbearance, superinduced by mutual wants, and a community of interest.

To prove that these conjectures are not fallacious, the committee will not go beyond the banks in the District of Columbia, under the immediate eye of Congress. By a schedule of the situation of the eleven banks in this district, contained in a report submitted to Congress in April last, it appears that, at that time, with capitals exceeding, collectively, \$5,000,000, they had an aggregate of \$955,712 in notes, in circulation; and only \$362,187 of specie, in all their vaults.

Under the present state of the money market, should it long continue as it now is, a formidable reaction must ensue, by the depreciation of all property, the withdrawal from circulation of most of the safe paper medium, and the consequent bankruptcy of very many of our most enterprising merchants.

Whether banks have been productive of more good than evil it is not necessary to inquire; but it may be stated that they are now so completely fastened upon the community, and their credit is so intimately

connected with the moneyed interests of the country, and any shock they might experience would be so severely felt, that it would seem to be the policy of the General Government to afford them support, compatible with the discreet exercise of its exclusive power to regulate coin. Past experience and present exigencies clearly demonstrate that we cannot yet dispense with the use of foreign coins, although it was confidently predicted, thirty years ago, by some of our statesmen, that their beneficial tendency would be superseded, by the operations of the Mint, within the space of three years.

The committee are aware of the inconvenience of using a variety of coins, unequal in their purity; but cannot resist the conviction that, as a temporary expedient, it would be wise in Congress to extend its fostering care to the banks, by assigning a determinate legal value to the almost only coins now remaining in their vaults.

There is another consideration which ought, perhaps, to be adverted to. If the act making crowns and francs a tender be suffered to expire, the banks, with the exception of those at Philadelphia, will be compelled to transport those coins to the Mint, at great expense, and some risk, for the purpose of being converted into American coins; and when that shall be done their new character would give them an immediate passport to Europe. The committee, therefore, conclude that, while it is admitted that the rate of exchange is heavily against us, the precious metals rapidly vanishing, stocks going abroad, property depreciating, and insolvencies multiplying, every inducement should be held out for the importation of specie and bullion, and for the retention of that which our capitalists now possess.

The committee have prepared a bill, continuing crowns and five-francs a lawful tender, as heretofore, until the 4th day of March, 1825, which they ask leave to report.

TREASURY DEPARTMENT, Jan. 30, 1832.

SIR: In reply to your letter of the 15th instant, requesting my opinion of the expediency of prolonging the continuance of the Mint at Philadelphia, I have the honor to state that, in my opinion, a due regard to the public interest requires that that establishment should be continued for some time longer at Philadelphia.

The present state of our currency also justifies the conclusion, that the act of the 3d of March, 1821, continuing in force, for the term of two years, so much of the act of the 29th of April, 1816, as makes crowns and five franc pieces of France a legal tender in the payment of debts, ought to be continued for a limited period.

I remain, with respect, your most obedient servant,
WM. H. CRAWFORD.

Hon. WM. B. ROCHESTER,
Chairman of Select Committee, &c.

THURSDAY, February 6.
Foreign Coins.

Mr. ROCHESTER, from the committee appointed on the 18th ultimo, to inquire into the expediency of making the gold coins of Great Britain, Portugal, France, and Spain, receivable in payment of debts due the United States, at their intrinsic value, made a report thereon, accompanied by a bill making the gold coins of Great

FEBRUARY, 1823.]

Suppression of Public Documents.

[H. OF R.]

Britain, Portugal, France, and Spain, receivable in payments on account of public lands; which bill was read twice, and committed to the Committee of the whole House to which is committed the bill further to prolong the continuance of the Mint at Philadelphia. The report is as follows:

The gold coins of Great Britain and Portugal, of their present standards, correspond almost exactly with our own—those of France are not so fine, and those of Spain still less pure.

Although no regular report of the assays of these coins has been made by the Director of the Mint since 1819, during which year the last act of Congress, declaring them a lawful tender, expired; yet, from numerous assays made since on deposits, it has been abundantly ascertained that their intrinsic value is equal to that which was assigned to them respectively by the act of the 29th April, 1816.

The committee assent, without hesitation, to the expediency of making them receivable in the payment of debts to the United States on sales of public lands; but doubt the propriety of making them a tender on other debts, duties, taxes, or sums of money, which have or may become due to the Government.

Notwithstanding it was stated in a previous report of the committee, that the gold coins of every description and denomination, whether American or foreign, have of late been almost entirely banished from our seaport towns, yet there is reason to believe that, owing to the constant emigrations to the western country from Europe, and to the acknowledged want of confidence in many of their banking institutions, considerable sums of foreign gold have found their way into that country, and have been, and are much relied on as part of the means of paying the debt there due for public lands.

The committee are assured that, very many of the purchasers of those lands being persuaded, from long habit, that gold would, on account of its metallic preciousness, continue to be the safest and most in demand as a circulating medium, have studiously and carefully preserved it for the purpose of making payments to the receivers of public money on their land purchases.

The debt on account of sales of the public lands is so large that, it is believed, every facility and inducement, compatible with the just rights of the General Government, should be extended by Congress for its speedy reduction, and final extinguishment, by actual payments.

It will be seen, by reference to the annexed communication of the 8d of February instant, made in reply to a letter addressed to the Treasury Department, by direction of the committee, that the Secretary of the Treasury has found it expedient to authorize the receivers of public money to continue to receive the coins, adverted to in this report, "in payments on account of public lands;" and that "they are, in fact, now received by them." The reasons assigned in said communication for giving such authority to the receivers, are perfectly satisfactory to the committee, and strongly indicate the propriety, not to say necessity, of giving to that authority the sanction of law.

TREASURY DEPARTMENT, Feb. 3, 1823.

Sir: In reply to your letter of the 31st ultimo, inquiring whether it would not be expedient to make

the gold coins of Great Britain, Portugal, France, and Spain, receivable in payments to the United States, at their intrinsic value, and especially in payments on account of the public lands, I have the honor to state, that it is deemed proper that they should be made a lawful tender in all payments to the United States on account of public lands. Upon the expiration of the act of Congress which made them a legal tender in the payment of debts in the United States, the receivers of public money were authorized to continue to receive them in all payments on account of public lands, and they are in fact now received by them. This authority was given, first, because no doubt was entertained that the creditors of the Government in the States and Territories where the land offices were established, would receive such coin in preference to the notes of the State banks established in those States and Territories. And, second, because the refusal of those coins, and of the notes of the local banks, would have placed it out of the power of the purchasers of the public lands to make payment, as the notes of the Bank of the United States, and of its offices, did not circulate among them, and the current coin of the Union did not circulate in sufficient quantity to meet even a small proportion of the payments due by them.

In terminating this letter I feel it my duty to observe, that the relative current value of gold and silver differs materially from that established by the laws of the United States. The consequence has been, that the gold coin of the United States has always been exported, whenever the rate of exchange between the United States and the commercial nations of Europe has been in favor of the latter. If the gold coins of the United States should be made equal in value to sixteen times the value of silver coins of the same quantity of pure silver, they would be exported only when the rate of exchange should be greatly against the United States.

This subject was presented more fully in a report made by this Department, upon the state of the currency, in obedience to a resolution of the House of Representatives, of the 1st of March, 1819, to which I beg leave to refer the committee.

I remain, with respect, your most obedient servant,
WM. H. CRAWFORD.

Hon. W. B. ROCHESTER,
C. C. on the Mint.

Suppression of Public Documents.

The resolution submitted by Mr. CAMPBELL, of Ohio, as modified by his acceptance of the amendment proposed by Mr. Cook of Illinois, being under consideration, in the words following:

"Resolved, That a committee be appointed to ascertain by whom the suppression of the paragraph, in the letter of William K. Dickinson, Cashier of the Bank of Steubenville, to the Secretary of the Treasury, dated the 3d day of April, 1819, and by him communicated to this House at the last session, was caused, with leave to sit during the sessions, and with power to send for persons and papers: And that the said committee be instructed to prepare and report to this House a digest of the evidence contained in the printed documents, (in which the said printed letter A 5 is included,) if any such there be, to show whether uncurrent or depreciated bank notes were taken in lieu of cash, from any of the banks in which the public moneys were deposited; whether public moneys have

not been discontinued to be deposited in branches of the United States Bank, and placed in certain local banks, situated in the same towns or neighborhood, without complying with the directions of the law on that subject; and whether such transfers have not resulted in loss to the Government; whether the public money has not been loaned to those banks, in which standing deposits were made, under the name of deposits; and whether such loans or deposits have not resulted in loss to the Government; whether security was not neglected to be taken in some one or more instances, for the punctuality of one or more banks, which proposed to give such security, and whether such failure has not resulted in loss to the Government."

And Mr. GILMER, of Georgia, having yesterday proposed further to amend the same by adding thereto the following:

"And to ascertain, if possible, whether any member of this House, or confederacy of members, have made use of the papers of this House for the purpose of making charges against any department of this Government, which that member, or those members, know to be false:"

And the question being on agreeing thereto—

Mr. SAUNDERS, of North Carolina, rose. His object in rising was not, himself, to enter further into this discussion, but for the purpose of asking the gentleman from Georgia to withdraw his amendment. If he would not do so, Mr. S. said, he would move to strike out the part which had been inserted at the suggestion of Mr. COOK, (and is printed in *Italic* in the above copy of the resolution.) He asked this from the gentleman from Georgia, because he thought that both his amendment and that of the gentleman from Illinois, were calculated to embarrass the original proposition.

Mr. GILMER said that, on a question which had created so much personal feeling in the breasts of some members of the House, and of himself more particularly, he was not disposed to do any thing which the calculating, prudent gentlemen of the House should think improper. After the excitement of the moment has passed by, he was rather disposed to act upon their opinion than his own. With pleasure, therefore, he yielded to the opinion of the gentleman from North Carolina, and of that class of persons in the House for whom he had a high respect, and with whom it was his pleasure generally to act. Mr. G. then withdrew the amendment which he had proposed.

Mr. SAUNDERS then moved to strike out of the resolution that part of it which was yesterday inserted on the suggestion of Mr. COOK, declaring at the same time that he should with pleasure give his support to the same inquiry, if proposed in a distinct resolution, for appointing a separate committee. He moved to strike it out only because it proposed an inquiry wholly distinct from the original motion, and the two would only embarrass one another.

Mr. CAMPBELL, of Ohio, said when the amendment of Mr. COOK was yesterday presented, he

had thought at first that it would embarrass the inquiry proposed in the first resolution. But, upon a closer examination, he was induced to think differently; and it appeared to him there was a sufficient connection between the two to keep the subjects connected; and he would state the grounds of this opinion. The gentleman from Illinois appeared, said Mr. C., to intimate that the committee which heretofore pursued the subject did not go as far as it should have done in examining the character of the documents referred to it; and that if it had gone further, a different impression from that which it has expressed would have been the result. If, Mr. C. said, any credit is due to statements of this kind; if it is ascertained that the Secretary of the Treasury has withheld information which ought to have been imparted to this House, it appears to me a proper subject for investigation. If in the progress of events it should turn out—and I am arguing as the nature of the case appears to require that I should—that any documents have not been communicated from the Treasury Department that ought to have been, showing that the Secretary of the Treasury was interested in withholding them, in order to avoid an implication of himself, I ask the committee whether that be not a fair subject of investigation? We know that the fact of the deposit of money in certain banks was unpopular; and if any documents or parts of documents respecting that fact have been withheld, the committee may inquire by whom and why these documents were suppressed. Mr. C. said he therefore was opposed to striking out that part of the resolution.

Mr. SAUNDERS said, as he did not intend by his motion to afford any ground for the remotest implication of the Secretary of the Treasury, and wished only to relieve the gentleman from Ohio from what might be too great a burden on him as the chairman of the new committee, and was besides not connected with the subject of his original motion; and as the gentleman from Ohio appeared to have no objection to take this burden upon himself, he (Mr. S.) withdrew his motion to amend the resolution.

Mr. COOK, of Illinois, said he was willing to withdraw his proposition yesterday offered, and incorporated in the resolution of Mr. CAMPBELL, and to substitute another, which he held in his hand, and which he read.

Mr. CAMPBELL, of Ohio, objected to this amendment, as going unnecessarily into detail.

Mr. EDWARDS, of North Carolina, said he did not mean by any thing he should say to contribute any thing to such a debate as that of yesterday. His object in rising was to renew the motion to strike out the amendment yesterday engrossed on the original resolution. Should this motion succeed, the gentleman from Illinois would have an opportunity to present the several subjects which he wished investigated in his own way, and there would be no question but every gentleman in the House would unite in allowing the utmost latitude to his investiga-

FEBRUARY, 1823.]

Suppression of Public Documents.

[H. OF R.]

tions. Mr. E. said he would put it in the power of the gentleman to present the question in the shape most agreeable to himself. If that gentleman believed in the existence of abuses, such as he had intimated, he would find no gentleman unwilling to go along with him to investigate them to the extent of his own wishes. I will give my support, said Mr. E., to any resolution which he may offer, if he accompanies it with an allegation of any abuse of public trust.

Mr. HAMILTON, of South Carolina, was of opinion that the two objects embraced in the resolution ought to go together. They related, he said, to identically one and the same subject. The inquiry for the committee will be, what were the motives of the suppression, which we regard as an outrage on propriety and on the dignity of the House? What were the motives which led to it? The motives are necessarily connected with the facts which may have induced it. Mr. H. said he could not see any object to be gained by a division of the subject between two committees; and he was anxious that no division of the inquiry should take place which would lead to the appointment of two committees. He wished the two inquiries to go on hand in hand, and not from any want of deference and respect to the author of the present resolution. Mr. H. said he should move, when it would be in order to do so, to refer the inquiry to the same committee which has already had the subject under consideration. He would do so because it must be within the conviction of every member that that committee had discharged its duty in a manner which entitled it to the respect and esteem of the House—their proceedings and report having been candid, lucid, fair—and because, as they were already familiar with the subject, much would be gained in point of time, which at this period of the session was of some importance, by giving the matter again in charge of that committee.

Mr. FLOYD, of Virginia, said he was in favor of the motion to strike out the second branch of the resolution, because he saw no necessary connection between that and the original motion, the object of which was to ascertain who made these marks which have been the subject of so much speculation. He did not wish to embarrass that inquiry by connecting it with extraneous matter. Nor could he see any propriety in recommitting this subject to the same committee which has already examined it. If the Secretary of the Treasury has been called upon for all the papers connected with any particular subject, and he has not communicated them all, it was incumbent on the House to get those which have been withheld. This is a thing which is of common occurrence, said Mr. F., and I know it has occurred in regard to resolutions which I myself have offered. A year or two ago, he said, he had submitted a resolution, calling upon the Navy Department for certain papers, which have never yet been submitted. So it has hap-

pened with regard to calls upon other departments. When, last session, the Department of War was called upon for the invoices of certain goods purchased by the Indian factors, they never were reported. Even as to the Department of State, he wrote for a passport for a friend who was going abroad, and could not get it—he procured a member of the Senate to ask one from the British Minister, and got it without difficulty. Last session, a call was made upon the President to show in what manner the money had been expended, which is annually appropriated under the act for arming the whole body of the militia of the United States, and that call was not answered.

Mr. STERLING, of New York, said he could not see the necessity of the resolution, as at first submitted; and for that reason, in particular, he thought, if it did pass, it should be in its amended shape. If, said he, you strike out the part which is proposed to be stricken out, you strike out all that which constitutes the most important part of the inquiry. The two objects of inquiry could well be united, and they ought to go together, because they were nearly connected. But, Mr. S. said, the amendment was the only material and the substantial part of the resolution as it now stands. The resolution, in the shape in which it was introduced by the gentleman from Ohio, is, in my view, said Mr. S., totally unnecessary. I am not in the dark, if other gentlemen are, as to who caused the suppression, so often alluded to. Not that I have any knowledge on the subject which everybody else may not have, but I rest my conviction first, upon the face of the documents themselves, and, secondly, on the testimony of Mr. Dickins, the chief clerk in the Treasury Department. My mind has been brought to the conviction, by all the circumstances, that he, and he alone, made them. I call not in question his merits; he is not even personally known to me—and I have only heard of him as a man of distinguished talents and great industry. He has interfered, however, with the documents of this House, and he boldly told the committee, that he marked the word *out*, where it appears marked on several passages that are omitted in the printing. I say that Mr. Dickins might have gone further, and told the committee that, when he made part of those marks, he made the whole of them. I do not mean to impeach the veracity of that gentleman, or even his motives. It is sufficient to say, that he acted on his own authority, and without the authority of the Secretary of the Treasury, and in violation of the direction of the House to have the whole of the correspondence laid before it. I have heard but one sentiment expressed by all who have viewed these papers, which is, that they were all made by the same pencil, and at the same time; and I defy any gentleman of candor to inspect the papers and say that they were not all made by the same hand. If Mr. Dickins did make all the marks, as I contend he did, what occasion is there to go into a further

inquiry on the subject. But, continued Mr. S., I have a further argument to show that Mr. Dickens did make these marks. It has been intimated, without the least ground, that some gentleman of the House may have made them. I am astonished, sir, that any gentleman should dare to rise in his place, and make such an intimation, without proof positive of the fact. It is our duty to protect the character of this House, and we ought never to permit ourselves to charge any one of its members, in the House, or out of it, with improper conduct, without positive proof to sustain the charge. I call upon gentlemen to show me the least proof of the truth of this intimation. A particular member of this House was alluded to yesterday, as having possibly made this mark. I was astonished to hear a gentleman, reputable as he is, of unimpeached integrity, stigmatized as one who not only made this erasure, but as being engaged in a conspiracy, which, if it existed, would be disgraceful to those concerned, and disgraceful to the House. What do the committee say? Who did make these marks? I do not mean to wound the feelings of any man; I would scorn to impeach the motives of any man in or out of the House—and it was with great surprise I heard the gentleman from Georgia yesterday make a direct allusion to a member of the other branch of the Legislature. Are we to point at them, and hoot at them, when they happen to attend ladies to the gallery of the House? I do not mean, said Mr. S., to impute to the gentleman from Georgia, any improper motives for this allusion, &c., because he is a high-minded and honorable man. He himself, after a night's reflection, has in an honorable manner retraced his steps, and withdrawn his proposition. But, to return to the marks. The committee reports that Mr. Dickens did, according to his own declarations, mark out three of these passages, in doing which he acted in an unwarranted and unauthorized manner. What do the committee say in their report of the particular erasure which was the subject of their inquiry? They say that, had the same causes existed for that erasure, the committee would have remarked that the probability of that erasure also having been made by Mr. Dickens was strong, and that nothing but the peculiarity of the motives which had induced him to make the other marks weakened it. From the testimony of Mr. Dickens, what do the committee infer? That the probability of Mr. D. having himself made the erasure is destroyed? No; but that it is weakened. Mr. S. proceeded to read passages from the testimony of Mr. Dickens as reported by the committee, contrasting his evidence on the three days he was examined—for, Mr. S. said, he was examined three several days, and at different times this evidence was dragged from him. Could Mr. Dickens have made this erasure, he asked, without knowing whether he made it or not? I appeal to the House, said Mr. S., if, from the evidence of the documents themselves, and the strange

testimony of Mr. Dickens, who admits he did make all the other marks, and from the fact that this mark was made apparently with the same pencil, whether he ought not to have recollected marking it. The reasons were not such as to have induced him to make the marks in that particular letter, he says, and therefore, he thinks he did not make it; and said Mr. S., the reasons were such that he ought not to have made any of those which he acknowledges to have made—strong and imperative was the reason why he should not have done it.

Mr. CAMPBELL, of Ohio, said, from the course which the gentleman from New York had taken, he felt himself called upon to make a remark or two in defence of his original motion, which the gentleman from New York seemed to consider so unnecessary. It might be owing to the advantage which that gentleman possessed over other gentlemen, that he had been able to discover who had made the disputed erasure. It is well known, said Mr. C., that such is the structure of the human mind, that less evidence is necessary to convince some minds than is necessary to convince others. For my part I am slow to believe in such facts as he charges on Mr. Dickens. It may be considered as an undeniable fact, however, that some person has caused the suppression of this paragraph of a document. The object of the inquiry which I have proposed is, to ascertain who this person was. It is proved not to have been the printers: that is put beyond question. Whether it was some person in this House, or attached to this House, or to the Treasury Department, is a subject for inquiry, and the proof submitted by the committee does not warrant, to my mind, the conclusion to which the gentleman from New York seems to have arrived. I will admit that, by straining the testimony, you may infer that Mr. Dickens himself may have made the erasure. I have examined the evidence with attention, however, and have not satisfied myself on that point. As I presume many other members are in the same situation with myself, it seems necessary, that the first part of this resolution should be adopted, whatever becomes of the remainder of it. Mr. C. then proceeded to notice the observation of Mr. FLOYD, and to show that there is such an analogy between the two objects of the resolution as to justify their connection. He did not wish it to appear that any person had been privy to this erasure with an intention to commit a fraud upon the House; but such had been the effect of the erasure. He did not expect to obtain conclusive proof upon the subject by further investigation. If any person would commit a fraud of this description, he would not do it openly, and any one who had made the erasure with fraudulent intention, would doubtless perjure himself to conceal it.

The proof, he said, was not conclusive that Mr. Dickens made these marks. As to the argument of all the marks, those acknowledged, and that which is denied, being made by the same pencil—if I know any thing about pencils,

FEBRUARY, 1823.]

Suppression of Public Documents.

[H. OF R.]

said Mr. C., they all make the same kind of marks. That argument, therefore, can have no weight with me in the determination of the question. Mr. C. then recapitulated the objects of the part of the resolution which was yesterday added at Mr. Cook's suggestion, to show its analogy to the original proposition. The objects of inquiry which it proposed were proper in themselves, and proper also to show whether any motive of concealment would probably have induced the suppression of these passages in the letters. On the supposition, for the sake of argument, that the Secretary of the Treasury, or his clerks, had such a motive, the inquiry into that fact was certainly so nearly connected with the inquiry into the fact of who made the erasure, &c., that it ought not to be stricken out of the resolution.

Mr. ARCHER, of Virginia, expressed his regret that any difficulty should exist as to the form of inquiry into any of the particulars embraced in the resolution, because he believed there would be no difference of opinion when the question of inquiry in any shape came to be voted upon. What are the grounds, he asked, on which the first part of the resolution recommends itself to our attention? There has been a mutilation of the records of the House. Will any man deny that it is the duty of this House to prosecute an inquiry in a case of this sort, to ascertain who were the authors of the mutilation? No man can deny the fact, the power of the House to investigate the matter, or the duty of the House to exercise that power on this occasion. No man denies either of these points, said he, and yet we are kept two days debating it. The very fact that there has been a mutilation of the records is sufficient. But, when the inquiry is proposed, of what sort is the objection made to it? Why, that members of this House ought not to be suspected of having done it. Now, I suppose, or might suppose, there has been this criminal intention on the part of some member of this House; how is the fact to be ascertained but by inquiry? Gentlemen say, it will appear, probably, that nobody has been guilty in this case. I think it very probable, and I hope, that such will be the result of a full investigation. But, is that any reason why we should not inquire into it? Do gentlemen mean to contend that we are never to exert the powers of this House, without proving an imputation on somebody? If there has been any guilt connected with this fact, it will be reported to the House, with authentic evidence of the fact, and we ought to prosecute the inquiry to the conviction of the guilty. If there has been no guilt in the transaction, we ought to prosecute the inquiry to show that there has been none. I was extremely sorry, continued Mr. A., to see the gentleman from Illinois, when no imputation was cast upon him, identify himself with this accusation, so far as there is any accusation against any member or members of this House. He not only undertook to consider himself the accused person; but, after disclaiming the acts

which he supposes to be imputed to himself, he turns round upon others—and upon whom does he turn? Upon the Judas among us, if there be any? No, he turns, and makes an accusation, remote from the subject before the House, against the Secretary of the Treasury. He brings forward this irrelevant matter, which it was now proposed to strike out of the resolution. I must, therefore, tell the honorable gentleman, said Mr. A., that he has no claim to our sympathies, after the part he has acted.

Mr. COOK, of Illinois, rose. I must confess, said he, I am as much astonished as I regret the fact, that the honorable gentleman from Virginia saw so little in the observations of other gentlemen who preceded me yesterday in debate, which tended to cast a shade of suspicion over me. The gentleman will have it that I am my own accuser. I appeal to the candor, to the honor, to the justice of this House, whether several gentlemen, previous to my joining in the debate, did not make allusions to me. The honorable gentleman from Virginia may not have understood them as I did; but I feel quite sure that every other member, or almost every other member, did understand them as I did. The remarks of the gentleman from Kentucky, of the gentleman from Maryland, and of other gentlemen—I will not repeat them—must be fresh in the recollection of this House.

I think, said he, it must be within the recollection of every member, that the Chair decided, yesterday, that it was proper I should go into an investigation of the testimony taken before the committee, because such an imputation had been made upon me. If gentlemen choose to disclaim the allusion to me, I am gratified at their doing so. But the remarks of gentlemen could not have been misunderstood. They were not misunderstood. What, then, was my course? To sit still, and permit the mantle of disgrace to fall upon me without resistance, and without attempting to demonstrate that the presumption which seems to be indulged in was much more strongly met by presumption of a different character? It seemed to me that the tenor of all the observations made yesterday, as I understood it, and as I was sure every member of the House understood it, was to cast imputations on me. It was asked of me, not here or there, but everywhere, Are you ready for the gallows? I was glad to find the question put to me in such a manner, as to show that they universally felt a contempt and disgust at what those who asked it supposed to be an unfounded and ungenerous attack upon me. I brought forward, by way of amendment, that which the gentleman from Virginia supposes to be irrelevant matter, to show that the presumption of guilt was elsewhere than with me. I adverted to what I considered abuses, which, if proved, would show that the presumption of guilt in this matter might rest elsewhere. As for the sympathies of the gentleman, I have no doubt, from his character, he will do me justice; and I ask for no sympathy from anybody

—but for justice merely. For four years that I have had a seat here, I have had every reason to believe that every person brought before this House will receive justice at its hands. I believe that there is a sufficient degree of independence—manly independence—in this House to secure to every man justice. I ask no sympathy from the House. I stand self-poised; and it will be demonstrated to the House, if the investigation goes on, that I have good reason to stand self-poised. I am as willing as any member to investigate this matter, and I have no idea of putting off the investigation; for, independently of the reasons which operated upon others, I have, growing out of what I consider, unfounded intimations, a personal reason to desire an early and full investigation. I stated yesterday, said Mr. C., and I do it to-day, and it is certainly not my wish to excite feelings of an unpleasant kind anywhere; nor did I think it proper that yesterday gentlemen should have entered into an investigation calculated to pre-judge the matter; but when debate is indulged in, or permitted on one side, which is calculated to have an improper effect on particular members, those at least who are aimed at have a right to pursue the same irregular course, with a view to bring truth into view, that improper prepossessions may not be formed; it was with that view that I stated yesterday, that the documents connected with this subject furnished intrinsic evidence that a part of the correspondence, which forms the body of documents connected with the subject, was not sent here in compliance with the call made on my motion at the last session; and I made the statement for the purpose of showing that, from this omission, conclusions might be drawn at least as strong as from the uncandid statement by the gentleman from Maryland, of the testimony reported to the House. The gentleman from North Carolina, last evening, seemed to dwell, and lay much stress upon the recollection by Mr. Dickins of the subject-matter of the passages which he acknowledges to have erased. Now I state it as a fact, said Mr. C., that Mr. Dickins went to the office of the Clerk of the House of Representatives, before he went to the committee, and examined all the documents. Now, this is a fact which ought to be taken into the estimate of the clearness with which Mr. Dickins speaks of the subject-matter of the passages erased, and recollects, from previous examination, what passages he marked, and why he marked them. I mentioned that Mr. Dickins had gone to the Clerk's office to make an alteration in the report; and the gentleman from North Carolina thinks it uncandid in me that I did not state the object of that alteration. The gentleman from North Carolina is mistaken when he says that I was present at all the examinations of Mr. Dickins—

Mr. SAUNDERS explained. If the gentleman was present, I said, when the nature of the alteration was mentioned, he ought, in candor, to have stated it to the House.

Mr. COOK. I was not present, and therefore could not know or state it. The gentleman from North Carolina was a little mistaken, too, said Mr. C., as to the nature of the questions propounded to me in regard to the author of A. B., (the accusatory letter published in the Washington Republican.) He says he did not ask me who A. B. was. He certainly will remember that he asked me if I knew who A. B. was. In that question was a necessary inclusion of the question, who was the person? I barely mention this to correct the recollection of the gentleman from North Carolina, who, he had no disposition to believe, would intentionally misrepresent him. I had intended, said Mr. C., to have answered some of the remarks which fell from the gentleman from Georgia—yes, sir, I will say the gentleman from Georgia; but the gentleman has this morning withdrawn his proposition, and I think it is very well for the character of this House, and very well for the character of the constitution of the country in which we live, that he has done so. It was a proposition which I could show proposed one of the most glaring infractions of this constitution that was ever presented to the consideration of this House—a proposition involving the highest and most sacred rights secured to this House, and to the people of this country. The honorable gentleman has done himself some credit in withdrawing it. [Mr. C. made a remark on the feeling or motive in which this proposition originated, and an observation on Mr. GILMER's allusions to the transactions of last session, the terms of which escaped the ear of the reporter.] I hope, said Mr. C., that the whole matter will be inquired into, and brought before the House; and when it is, I shall be able, if the slightest tinge of suspicion yet rests on the mind of any honorable member of the House, even of the greatest enemy I have in the House—and I have some whose feelings are very strong towards me, as the proceedings of this House will verify—I will bring even to them such demonstration as to force conviction that, if they have suspicions, they are unfounded, and without the least justification whatever.

Mr. EDWARDS, of North Carolina, said that, at the time he submitted the motion, now pending, to strike out the latter part of the resolution, he did it under a full persuasion that the two subjects embraced in the resolution were utterly disconnected. As, however, his friend from Virginia had appealed to him, and seemed to think that this unprofitable debate would be checked by withdrawing the amendment, he would withdraw it.

The motion to amend being withdrawn, and the question being on agreeing to the resolution as it is stated in the commencement of to-day's proceedings—

Mr. McLANE, of Delaware, rose to express his views of this subject. I rise not, said he, to accuse any one, but to vindicate, as far as my impressions go, some who have been accused. With regard to the member from Illinois, we have his declarations in the committee and in

FEBRUARY, 1823.]

Suppression of Public Documents.

[H. OF R.]

this House that he is free from any imputation as to the marking or suppression of this paper; and his declarations are conclusive until proof be produced to the contrary; and, in relation to him, I shall require strong proofs. Whilst I do refrain from the expression of any opinion derogatory to the honor and integrity of that member, I will not say I have no suspicions as to any other person; but even if I entertained a strong suspicion of the guilt of any other person, as seems to be entertained by the honorable gentleman from New York, I would not express it. For, although I may entertain strong impressions as to the author of the act referred to, yet, as I may be called upon in a much more important way, and on fuller testimony, to express my opinion upon the subject, I should feel it due to the person whom I suspected and to myself, to preserve myself pure from prejudice and commitment upon the question. If I were to rise in the House, and express the opinion that this or that man is guilty, I could not trust myself again to pass upon the character of that man. The House will do me the justice (said Mr. McLANE) to remember that I gave to this inquiry, when first proposed, my full and free sanction. I expressed my belief that everybody implicated in the letter of A. B. would, upon full inquiry, be absolved from imputations upon them. I believe such will be the result of the proposed further inquiry, and that the object of the person, whoever he may be, who made these charges, will be detected and exposed. It is for that reason I would adopt the amendment of the member from Illinois, that this inquiry may be pushed to its utmost limit, and that every circumstance connected with the transaction may be developed. This is not a matter originating in this House—it originated out of this House. I do not say that any member of this House is the author of the contemptible productions which have given rise to this inquiry and this discussion; but it has been forced upon us, if by a member of this House, I will say most disreputably. For if any member of this House does believe that any department or public officer has been guilty of a breach of trust, he has an open and high-minded course to pursue. He cannot become an anonymous scribbler in a newspaper without derogating from his character. I do not mean to say that the writer is (I hope and trust he is not) a member of this House. If he is, he has taken a wrong course, and unwarrantably produced all the bitter waters which have flowed from it. Let us not, said Mr. McL., forget the origin of this inquiry. How did it originate? This little erasure, which may have originated, as from my soul I believe it did originate, in no improper motives—these little marks which are made upon this paper, have been suffered to sleep upon the records for a twelvemonth, known to many gentlemen of this House. At the end of twelve months, when the officer who had the records in his possession is no more, and cannot be called upon to give an account of them, the fact is brought to the atten-

tion of the House by accident, purely. It is published out of the House, accompanied by a distinct charge inculcating officers of this House with having suppressed the passage in question to screen an individual in a high public office. It was a charge which the persons inculpated felt it to be their duty to bring before the House. The House instituted a committee of inquiry into the matter, and that committee have investigated it, not only with an assiduity which does them credit, but with an honorable, independent, and impartial conduct, which will do them honor, here and elsewhere. They have said that the persons designed to be implicated are guiltless, and that the marks were not made by them. Now, sir, though I should have been unwilling to have originated this inquiry, and regret that the subject has ever been agitated, I am free to say that I am willing to go on with it, and I will not, because I find the scent which I have been following will not lead me to the den of the lion, turn round and refuse to follow it to the hole of the fox. The very reason which brings the gentleman from New York to the conclusion that he will not pursue the inquiry is the converse of the reason why I will pursue it.

Mr. STERLING. I have no objection to pursuing the inquiry.

Mr. McLANE. I did not mean to say that the gentleman from New York is opposed to the inquiry: but I understood the gentleman to say that he did not want this inquiry, because he was already satisfied who did this thing. He was willing to vote for the inquiry, but thought it unnecessary because he knew who made these marks. It is because I do not know who did it, and because it does not appear before the House who did it, that I think the inquiry ought to go on. And it is because that honorable gentleman has thrown the weight of his character and influence against an individual who is not in this House, and who has no means of defending himself against such imputations, that I wish the inquiry to go on. I make no charge against anybody; the gentleman from New York has made the charge. He has brought the act of making the erasure home to the clerk in the Treasury Department, which he has had the candor to say, he has done without a knowledge of the character of that clerk. The gentleman acquits the Secretary of the Treasury of any concern with the transaction; and I agree with him that the character of that officer stands too high for purity and lofty integrity to warrant the belief of his having had any connection with any transaction which proves to be incorrect. But, is there any proof which will warrant the House in saying that these marks were made by the clerk in the Treasury Department? None whatever. But, if I were to have an opinion, it would be, as far as the testimony goes, strongly the reverse of that of the gentleman from New York. I do not think the clerk did make the erasure. He might have made it, and with good motives, too; but I do not think that he did do it. Let us look at the

nature of the thing. Here is a call made upon a department, in answer to which, in order to save time, the original papers are sent—and I here ask the gentleman where he founds his charge of an unwarrantable liberty taken with the documents of this House? Had we, sir, any thing to do with those documents before they came here? Certainly not; they were in the possession and under the control of the head of the Department. You make a call on the Department, and it is competent to it to send you the originals or copies; and this fact, which spoke conviction to my mind, from the first agitation of this matter, is conclusive—that, so far from any intention to suppress any part of the documents, there was evinced, in sending the original letters, a disposition to open the whole flood of information to you. Now, suppose these marks were made at the Treasury Department—and here Mr. McLANE remarked, that gentlemen seemed to be shocked at the suggestion that A. B., or C. D., made these marks, but thought nothing of laying it to this or that, other person. Now, I say, continued he, that these marks may have been made, if they were made at the Treasury Department, for the most innocent purpose. Was it not competent to the Department to send you copies instead of the originals? Undoubtedly; that would have been the regular course. Was it not competent to the Department to send you copies of parts of letters? Undoubtedly; for what is the nature of your calls upon Departments for information? It is, that they should send you all the information material to the subject of the call, which can be communicated consistently with the public good. As to what may or may not be material or relevant to the call, the head of the Department must exercise a sound and honest discretion. Suppose, in the exercise of such a discretion, the Treasury Department had sent you copies of these documents, and deeming this letter, and the others which were marked, to be immaterial and irrelevant to the call, had left them out entirely: how then? Could you have imputed an improper motive? or would you not, if you entertained a different opinion, require the papers to be sent, by a new and more specific call, as the member from Illinois actually did call for other documents connected with the same subject, which were not sent in pursuance of the first call? Now, said he, let us go one step further. Instead of copies, the original papers were sent. What do the brackets which are known to have been made at the Treasury Department, and the others, if they were made there, designate? That the passages thus marked were not material to the call. The member from Illinois, who made the call for these papers—who wanted the information—he himself did not, when he saw these marks, at the last session, deem them material—

Mr. Cook said that he did not deem them of sufficient importance to be the subject of a motion to the House upon the subject.

Mr. McLANE said he had not at all misunder-

stood the member. If he did not deem them of sufficient importance to bring the subject to the House, they could not have been, in his view, material; if the suppression of the paper was deemed immaterial, the paper itself could not have been supposed material. He proceeded then to make one or two remarks, which went to satisfy him, although these marks might have been innocently made by the clerk in the Treasury Department, that they were not made by that person. It is an affair of speculation merely, said he, and if I should be thought, in making this declaration, to insinuate any thing against any member of this House I would not make it. In the first place, said Mr. McL., you find that in cases where letters are actually marked by the clerk, he marks them with brackets, and with the word "out" in the margin. The word does not occur on the margin of the particular letter in question. When this clerk marks passages for the purpose of having them omitted, he marks the word "out" upon them. I beg the House to reflect on the suggestion which I now make, and see how important it is, when a charge is attempted to be brought home to an individual on the ground of criminality, to view it in a correct light. When the clerk marks this word "out" on these documents, to whom is the intimation given which that word conveys? Is it to the printer? No, it is to this House. If the document had gone from the Treasury to the printing office, it would have been different. But the documents were sent to you, and the marks were put upon them for your use. Here are the papers for you, says this officer; here is all the information we have on the subject; we send you the originals, the more speedily to answer your call, but we suggest to your discretion whether it would be proper to print these particular passages. It is to you, then, that the word "out" is addressed, with the corresponding brackets. But on examining the marked passage on A 5, which has been the subject of so much speculation, we find the word "out" is not there. There is another strong circumstance about that letter, which carries to my mind conclusive testimony that the pencil marks were not made at the Treasury; and that is, that the only words which can, by any possibility of construction, be considered material, are underscored, not by pencil marks, nor, as far as I can judge, from appearances, by the writer of the letter. Now, I ask, whether, on an officer of any department sending a paper here, any part of which is intended to be suppressed, it is at all likely he would have made a broad and obvious underscoring of the particular passage, with a view to bring those words conclusively and immediately to the public eye? I think not, sir. I should never conceive that any individual, who meant to suppress a paper, or part of a paper, would make indelible marks upon it, not to erase or to conceal it, but to place it in bolder relief. If it had not been so marked, it might, and probably would, have escaped observation entirely. You

FEBRUARY, 1833.]

Suppression of Public Documents.

[H. OF R.]

must then persuade me that this clerk in the Treasury Department is made of different materials from other men; that when he has a motive and an object in view, he accomplishes it in a different manner from other men; and that, when he means to suppress any thing, he makes it, with that view, more conspicuous! The honorable gentleman from New York says he is satisfied, and there is no occasion for further inquiry. If the testimony was sufficient to satisfy the mind of the gentleman from New York—to whom I impute no motive, believing he only made this declaration in proper candor—if the evidence was sufficient for him, it was not sufficient for the committee who examined the matter. And, let me say, if the evidence had been such as to induce the expression of a belief by them, the committee were bound—more especially as the omission to express such an opinion would give rise to imputations elsewhere; more especially as they must see that suspicion would fall upon members of Congress, amongst others—it became their absolute and positive duty to express their opinion, if they had been able to form one, of the author of the erasure. Acting under this sense of imperious duty, knowing that if they even remain silent, an imputation might be drawn from it, they have said, with that sense of honor which characterizes the report, that they have no proof to satisfy them *who* made the erasure in letter (A 5.) I cannot satisfy myself on the subject, said Mr. McL., that either this or that person did it; and for that reason I would give the greatest possible scope to this inquiry. When the proofs come before me, I shall examine them with an impartial eye; I shall form an impartial opinion. If I believe that the *marks* were made with an innocent intention, and that the maker of them was in no manner connected with the attempt which has been made to convert them into imputations of guilt, I shall be satisfied to let the matter rest; but if, in the course of the inquiry, the act shall be fastened upon any individual with motives of guilt, or who has since lent himself to the improper use which has been made of it, I will extend the power of this House as far as it will go to punish him.

Mr. A. SMYTH, of Virginia, said, in his conduct on this floor, he had no rule of action but to pursue what he believed to be his duty to the public. He would vote for any inquiry which was likely to lead to beneficial consequences. But, if he thought any proposed inquiry would not have that result, he would not vote for it. He saw no advantage which could flow from further prosecution of the particular inquiry now before the House. He objected, besides, to committing an inquiry into the management of the funds of the United States, and into the making of this mark, to the same committee. The subjects were distinct and not compatible, and ought not, therefore, to go to the same committee. In the case of John Anderson, when a contempt was committed against the House

through the Committee of Claims, was that committee charged with the inquiry into that matter? Certainly not. Mr. S. was opposed, for reasons of this nature, to the form of the resolution. But he was opposed to further inquiry respecting these marks, for another reason. He had come to the conclusion that Mr. Dickins did make the erasure in A 5, as well as the others, and that he was authorized to make them, and that no blame properly attached to him or any one on the occasion. Examining the shape, direction, and curves of the marks, from which only, in the absence of direct testimony, an opinion could be formed, he had come to the conclusion that the same person made the disputed mark who made the others. Lay the marks across one another, and it would be seen that their inclinations are the same, and the angles formed by the intersection of the cross lines, as well as the form and turn of the brackets, were either precisely or nearly the same in the marks acknowledged to have been made by that clerk, as in the others. From all the circumstances, Mr. S. drew the conclusion that Mr. Dickins did make these marks. He wished, therefore, no further examination. The House had the examination of Mr. Dickins, thrice taken, and it had the documents themselves; and he could not conceive why any other information on the subject should be thought desirable. Mr. S. further considered Mr. Dickins as having made these marks when he had a right to make them. The resolution of this House, requiring these documents, called for copies of certain contracts with banks, &c., and all the information "relative thereto;" that is, for so much of the correspondence with the banks as relates to these contracts. Did that resolution, then, require the Secretary to furnish the whole of every letter in which this subject is mentioned? Mr. S. contended not. Suppose a letter embraced several very important subjects: there could be no reason why more of it should be communicated than the particular part which relates to the subject of the call. By the arrangements at the Treasury, it appeared that this clerk had this branch of the business of the office under his control, and that he made the selection of the papers called for, and arranged them in the order in which they were sent to the House—in doing which he made these pencil marks on the passages which he considered irrelevant to the object of the resolution of this House. It had been said that the disputed erasure did relate to the object of the call. Mr. S. was not satisfied that it did—but, whether or not, it was not withheld from this House, nor concealed from the House, but fully in its possession. And, said he, are we to infer criminality from the testimony of this gentleman? Certainly not; for if he made these marks, he was as perfectly justifiable as he was in making the other marks, and there was no criminality in it. Mr. S. here read some extracts from the testimony of Mr. Dickins, commenting upon it as he went along. He concluded by

saying that he found it to be his duty to oppose this resolution; declaring that if any gentleman would bring forward an inquiry into the other subject embraced in this resolution, separately, he should vote for it.

Mr. WRIGHT, of Maryland, made some explanatory observations, which it was the misfortune of the reporter not to be able to hear distinctly. He states, therefore, only what he heard. Mr. W. denied that he wished to call A. B. to account before this House, as he was most abominably misrepresented in the Washington Republican to have wished to do. Mr. W. took some notice of Mr. COOK's remarks (of yesterday) in reply to him. I did not wish to impugn the conduct of that gentleman, said Mr. W. I had an esteem for him, for I had discovered in him talents and an independent spirit. I did not wish to implicate him, but I told him that appearances were such, that, if he were my own son, he ought, in my opinion, for his own sake, to demand an investigation. I did not say that he was the author of the erasure; but I did say, that there were circumstances developed by the testimony taken before the committee, which would cast a shade of suspicion over him, such as I hoped would be removed by a further inquiry. Whilst I am a member of this House, said Mr. W. (in reference to an expression of Mr. STERLING), I shall dare to do whatever I think it my duty to do; but I shall never do what is contrary either to duty or to honor. I will never refuse to any gentleman atonement for his violated rights, and I am always within the reach of any man of honor. Mr. W. made some remarks on the allusion yesterday made to his age, intimating that age had not yet dimmed any of his faculties, or quenched his feelings as a man. He concluded by saying that he had no idea the gentleman from Illinois would draw, from his remarks yesterday, any other inference, than that circumstances were such as ought to induce him, for his own sake, to urge an investigation of this matter.

Mr. REX, of Georgia, said he had refrained from this discussion, so far, because he could not see any beneficial purpose it could answer to engage in it. Whether this mark was made with a mischievous intention, or who was the writer of A. B. he considered as matters of little importance. If there had been any conspiracy between the persons who marked the document, and the one who wrote A. B., it had wholly failed in its purpose; the project had met the fate it deserved. The report of the committee, said he, is an ample acquittal of the Printers to this House, and a triumphant vindication of the Secretary of the Treasury. All attempts against that officer will end, I have no doubt, as they heretofore ended on this floor, to his honor, and the discomfiture of his enemies. But, Mr. R. said, he should vote for this resolution, because, the fact appearing that this document has been mutilated, apparently subsequent to its coming into the possession of this House, the question by whom, and with what intentions it has been

done, deserved to be investigated. His principal object in rising, however, was, to add a few words to what had been so conclusively said by the gentleman from Delaware, respecting one of the clerks in the Treasury Department. It has been intimated (said Mr. R.) that it is demonstrable that Mr. DICKINS was the author of the erasure, and that he has contradicted himself in his testimony. If the House will attend for a moment, I will make it appear that there never was testimony more pure, more perfectly impartial, more every way satisfactory, than the testimony of Mr. DICKINS. Mr. R. examined and compared the different passages in Mr. DICKINS's testimony, commenting upon them as he went along to show that his evidence was not only clear but entirely consistent. I have thought it proper to do thus much, said Mr. R., because the character of Mr. DICKINS has been assailed, and, though I am ignorant of the person of that gentleman, I understand him to be an excellent man and an intelligent officer. Before he sat down Mr. R. intimated to the gentleman who proposed to refer this inquiry to the former committee, that it would be impossible for him to attain his object. The former committee was dissolved by the fact of its report upon the whole subject committed to it; and committees can only be appointed in two modes, by the Speaker or by ballot. A committee cannot be legislated into office, or revived, by resolution.

Mr. TATNALL, of Georgia, did not, in rising, mean to obtrude any remarks of his on the main subject of debate. But he thought he owed it to himself and his colleague, to take some slight notice of the remarks which had fallen from the gentleman from New York. That gentleman, said Mr. T., in the course of his vindication of another member of the House, seemed to think that, to vindicate one character, it was necessary to attack another—

Mr. STERLING, of New York, (in explanation.) I did not attack the character of any one; and if I was understood as attacking the character of any one, I was misunderstood. On the contrary, I spoke of the gentleman from Georgia, (Mr. GILMER,) as high-minded and honorable. I had not the remotest intention in any degree to speak disrespectfully of him.

Mr. TATNALL said he was very much gratified by this explanation of the gentleman, as far as it went; but, said he, the remarks of the gentleman *were* calculated, in my estimation, to affect the character of my colleague for candor and fair dealing. It may be officious in me to interfere—I know it is the disposition of my colleague to treat such matters lightly, when he is disposed not to notice them personally. He is willing, in such cases, to let them pass by without notice; but I cannot hear a remark calculated to affect the reputation of a friend, without saying something of it. I wish, said Mr. T., that those who throw out insinuations against others, were always above them themselves; that those who suspect others, were always free from suspicions themselves; that,

FEBRUARY, 1823.]

Suppression of Public Documents.

[H. OF R.]

when we feel it improper to throw out insinuations against others, we should not ourselves indulge in doing it. The recollection of the gentleman from New York, I suspect, is good; it must be very bad indeed, if he does not recollect that, frequently, during the last session, at this session, perhaps this very day, when the Department, an inquiry into whose conduct is now before us, was in question, he has thrown out insinuations, &c. Mr. T. did not mean to say that it is always culpable to throw out insinuations. Not so. If a person throws out insinuations which he will support, and which he is ready to put in the shape of a charge, he acts correctly, upon his proper responsibility. My colleague, (said Mr. T.) yesterday, went so far as that, and would have gone farther, if he had been permitted by the Chair. *He* at least has not been guilty of the *whispers* which were spoken of yesterday. He is not one of the whisperers; and in truth they were not whispers that I have heard, but loud insinuations. There have been no whispers about the matter, unless among those whose direct agency in agitating this matter has been kept so profound a secret. My object in rising, however, was not to add to the feelings of excitement which this discussion has generated, but to repel the remarks which have been made respecting my colleague.

Mr. STERLING, of New York, expressed his surprise that the gentleman from Georgia should think it necessary to rise in defence of his friend, from a supposed attack upon him. The gentleman must, said Mr. S., have most grossly misunderstood me. I meant no such attack—I made none. I did express my deep regret that that gentleman should have introduced into this House a proposition so fraught with dangerous principles, as that which was embraced in his amendment. I did also express my regret, in language which I thought decorous, at the manner of the gentleman's allusion to a member of the Senate. I have no recollection of using any other language to the gentleman than that of respect. I am again charged, said Mr. S., with speaking disrespectfully of the Secretary of the Treasury; and even the incidents of the last session are appealed to, to support the charge. I disclaim any intention to attack either the Secretary of the Treasury or the clerk in the Treasury Department. Distorted must have been my language, if I was otherwise understood than as I now speak. I was astonished at the solemn appeal made to the House on this occasion, and more so by the intimation of the gentleman from Delaware, that I had disqualified myself from voting upon any question which may hereafter arise in this House on the matter. The gentleman should recollect that I reserved my opinion on the subject of the guilt or innocence of the transaction. I did, when up before, no more than assert, directly, that which he stated by way of supposition; for he himself said, that the Clerk who made the other marks might have made the disputed mark. I did mean to take the same grounds as the gentle-

man himself, but more directly. So much for the Clerk. I am a young member of this House, said Mr. S., comparatively with the gentleman from Delaware; but I must beg leave to differ from him on one point, which I consider as essentially connected with the character, independence, and integrity of this House, viz: that, when a call is made for information from any Department for the use of this House, that Department is not bound to give the whole of the information called for; that it may give a part of it and, if we are not satisfied, we may submit a second call for the remainder—

Mr. McLANE explained. His doctrine was, that a Department was not required, by any call for information upon any subject, to send any more of its papers or records than was pertinent to the object of the call.

Mr. STERLING resumed. If the gentleman meant all that was pertinent, why did he speak of a second call, and refer to the case of a gentleman from Illinois at the last session? My views of this subject, said Mr. S., are different from those of the gentleman from Delaware. If a head of a Department is called upon for the whole of the information in that Department, then he is to submit the whole of the correspondence connected with it. If he does not, he is bound to state why he does not communicate the whole of it, so as not to leave the House under an impression that the whole has been communicated. Such was the course pursued by the Chief Magistrate at the last session, in a particular case. A call was made upon him for certain documents; he communicated a part of them, informing the House that there were more behind, and the remainder was called for. The gentleman has stated, continued Mr. S., that this matter was forced upon the House. And how does he say it was forced upon us? By the contemptible scribbling of an anonymous writer? Not so, said Mr. S., an honorable and distinguished member made a statement in this House, that there had been a suppression of a part of a public document, and that it had been fraudulently and wrongfully done. It was in relation to that charge of suppression, and not the contemptible scribbling he speaks of, that the inquiry was instituted; and I am utterly astonished that so much heat and zeal should be displayed here in regard to that newspaper publication. The question is, has there been a suppression of an important document; and, if so, who made it? and I do not see how that question involves the inquiry, who wrote an anonymous letter in a newspaper? I hope, sir, this unfortunate discussion may be brought to an end, and in better temper than it has been conducted.

Mr. TRACY, of New York, differed from what appeared to be the great majority of the House. I mean, said he, to vote against the resolution altogether. I was induced, by the respect which I felt for the gentleman from Ohio, to give my vote for raising the first committee. I was induced to think it might be an act of courtesy to him to appoint the committee; but my own impres-

sion was, that the subject had none of that character of importance which has been given to it. I considered that this omission, which was called a suppression, was made by accident, or from a harmless misconception of the character of the papers. When it was understood that the whole matter said to have been suppressed had been communicated to the House; when it was ascertained that, connected with the matter said to have been suppressed, was nothing of any importance whatsoever; he was confirmed in the impression that the marking was the result of accident or inadvertence. This opinion was ratified by the report of the committee of investigation, that there had been in this case no culpable or wilful intention, on the part of anybody, to deceive the House, by making these marks. He was satisfied of this, and that the further prosecution of this inquiry would tend in no respect to develop the obscurity which exists as to the author of these marks, nor in any other respect afford information of any value to the House.

The gentleman from Georgia (Mr. REID) says he neither knows nor cares who is the author of the anonymous publication in the newspaper: I understood him also to say—and if he did not say it, I do—that he neither knew nor cared who was the author of the erasure in the document. I care not, because there is nothing of any importance connected with it, that I have been able to discover. Unless we are satisfied that the matter is important, why should we inquire further into it? Mr. Dickins has acknowledged that he made some of the marks in these documents. Now, said Mr. T., I consider the part erased in letter A 5, quite as immaterial as some of the passages which, by the acknowledgment of Mr. Dickins, he actually did mark. But, before I undertake to censure a person for doing any particular act, I must be satisfied that he has acted wrongfully; that the act that he has done is important, and further, that the act itself was occasioned by improper motives. Not being so satisfied, I see no occasion to pursue the inquiry for the purpose of punishing the person who made these marks. But, if I did believe it important to pursue the inquiry, in order to discover the author of these marks, I must yet acknowledge that I cannot see how any further inquiry could lead to the disclosure of the person who made the marks. I will not say what is my opinion as to who made the marks, but I think any one who will take up the documents, will be satisfied that no process of examination can fix it upon any person more strongly. I have heard some gentlemen express a wish, said Mr. T., to know who is the author of A. B. That is to me a matter entirely unimportant. I do not discover in that production the evidences of such turpitude as some attach to it. If I was sure, however, that it was written by a member of the House, and was connected with the greatest degree of turpitude that can be imagined to belong to it, I do not see that this House has any thing

to do with it. Are we to constitute ourselves jurors to inquire who is the author of any anonymous publication concerning public men? If so, before the question is settled, which this inquiry is supposed to bear upon, we shall discover a great many publications which it will be as incumbent on us to inquire into as the present case. If the reputations of persons in office are attacked, they must seek their remedy in the same way as other citizens. There is no other road for them. I have heard it suggested, in or out of the House, that the author of A. B. is a member of Congress, and that, therefore, every member of Congress, who knows he is not the author of it, is bound to find out who the author is, that reprobation may not rest upon himself. This is a principle, sir, which I cannot support. I do not feel that I, being a member of Congress, am bound to exonerate myself from the charge of writing that letter, any more than I should do if it were said a citizen of New York had written it, I being a citizen of New York. I do not think that it is justifiable to make the inquiry for the author of that letter, or that we have either the power or the right to do it. If gentlemen contemplate such an inquiry, I should object at least to the present form of that inquiry, because the object is not expressly stated on the face of the proposition. I wish it to be put there that we may decide seriously and understandingly the principle how far this House has the power to ferret out anonymous writers. With these views, I shall vote against the resolution as being unnecessary; because there is no object worthy of inquiry connected with the subject, and because if there was, we could never arrive at any more certain conclusion than we have come to now.

Mr. RHEA, of Tennessee, said he was of a different opinion from the gentleman last up; and quoted a passage from the letter of A. B. to show that it contained gross imputations of being "infatuated with party zeal" on a part of the members of this House. What, asked he, is meant by this? Are we divided into factions? Are we mere partisans? He conceived this was a matter of some importance, however lightly the gentleman from New York might think of it. What was the case of John Anderson, compared to this? Yet we spent four or five days over that. Are we not all implicated in this charge of being "infatuated with party zeal?" Yes, sir, we are.

Mr. CHAMBERS. What is the question, Mr. Speaker?

Mr. RHEA said he believed the real question with that gentleman was a desire to adjourn, as he was remarkable for motions about adjournment and earlier hours of meeting, &c. However, he would proceed with what he was saying. It appeared by the unanimous report of the committee of inquiry, that Gales & Seaton were entirely exculpated from the charge of suppressing the passages in question; but, sir, said he, is this House exculpated? No, sir; and so long as the transaction shall remain unexplained and unproved, so long will it remain

FEBRUARY, 1823.]

Suppression of Public Documents.

[H. OF R.]

a matter of suspicion here; he would therefore vote for the resolution, for further investigation, that the person who committed the act might, if possible, be found out; he would vote for the inquiry, lest it should be said there was a disposition in the House to screen somebody or other.

Mr. BROCKENRIDGE, of Kentucky, said, as a member of the late committee of inquiry, he thought the inquiry which that committee was instructed to make a very proper one. Officers of this House had been implicated in a serious charge, and another individual, not connected with the House, was also involved in it. The inquiry was peculiarly proper as regarded the public printers. It had been made; they were found innocent, and the report had been laid on the table. The present proposition, however, Mr. B. said, was a materially different one. It was not now proposed to inquire whether the conduct of an officer of this House, or of any one connected with it, was proper or improper; but to ascertain who is the author of an anonymous newspaper publication. If this could be found out, it would not be an object worth the trouble, though it might be harmless. The inquiry was connected, also, with an investigation of the conduct of the Secretary of the Treasury. Mr. B. said he was not bound to the Secretary of the Treasury by any ties whatever; but he could not be indifferent to the conduct of the House of which he is a member. You are, said he, about to inquire who the author of a certain publication is. For what? To defend the conduct of the functionaries of the Government. That, sir, is not your duty. When you have accomplished your purpose, what will you have effected? You will have set the miserable example of making a formal inquiry who it is that has happened to implicate the conduct of a public officer. This, sir, is a privilege of the people of this country; they have a right to investigate the conduct of their public officers; the press is the natural medium for doing this, and the same vehicles are open to all, for defence as well as attack. Mr. B. wished to show to the House the tendency and inevitable result of such a procedure as it was about to commence. Institute a committee, said he, with the fullest powers, and let them drag the culprit before the House, and if he be a member, expel him; but, before this House attempts so daring an attempt on the rights of the people, it should reflect long. [Mr. B. was here called to order by Mr. WILLIAMS, of North Carolina, as animadverting on a question which was not presented by the resolution before the House, or had been in any manner proposed for adoption. The SPEAKER, however, (Mr. TAYLOR, of New York, being temporarily in the chair,) decided that however correct Mr. W.'s objection was in principle, the scope which had been allowed to the debate authorized Mr. B. to take the latitude he had used in his remarks. Mr. B. proceeded.] The attempt, he said, which

gentlemen were about to make could not redound to the credit of the House. It might create heat and contention amongst the members, but nothing more. It was not proper, or becoming the character of the House, to institute an inquiry into the authorship of an anonymous attack on a public officer, however false it might be. And was such an example to be followed up? Are we, said he, to call printers from Maine to Georgia, on every occasion, where we take offence at a newspaper publication, to disclose who writes against public men? As far as relates to the public welfare, the officers attacked are no more to be shielded than any other persons whom we hold guiltless. The writer in question attacked certain officers of this House and the Secretary of the Treasury, and he wholly failed in his attack on both. Leave him, then, to the obloquy of a convicted slanderer, and do not place the House in the wrong, by an imprudent and unnecessary inquiry about him. Mr. B. then proceeded to vindicate the course the committee had pursued, in not attempting to go further than they had gone. They confined themselves to the particular object of their institution, and, having accomplished it, there they stopped. It was not proper, nor would it have been expedient, to go beyond that. And, said Mr. B., if you now do resolve to push the inquiry further, into an examination of the authorship of the offensive publication, you will set a wretched example, which, if followed, will lead to deplorable results. In what situation will you place yourselves, if you undertake to demand the authors of such publications? Will you imprison them if they refuse to answer? No, sir, said Mr. B.; the best corrective of the abuses of the press—and every day exemplified the truth of the remark—was to give it perfect freedom. That character, he said, cannot be worth much, which can be put down by the slanders of the press. If the House could, by this inquiry, discover who suppressed the passages in the documents, it would be well. But that he believed improbable, and was, therefore, opposed to the resolution. He thought it wrong, also, to connect with the inquiry, if it was to be prosecuted, the inquiry in regard to the conduct of the Secretary of the Treasury, which had been proposed by the gentleman from Illinois.

After a few further remarks by Mr. RHEA, which could not be well heard by the reporter—

The question was put on agreeing to the resolution in the shape in which it appears in the commencement of this day's proceedings; and, a count being demanded, there were—For the resolution 107; against it 28.

So the resolution was agreed to.

The committee appointed in pursuance of the resolution, consists of Mr. CAMPBELL of Ohio; Mr. CANNON of Tennessee; Mr. NELSON of Maryland; Mr. STEWART of Pennsylvania; Mr. JONES of Virginia; Mr. MORGAN of New York; and Mr. Hill of Maine.

MONDAY, February 10.

Crimes on the High Seas, &c.

Mr. BUCHANAN submitted the following :

Resolved, That the Committee on the Judiciary be instructed to inquire whether there be any, and if any, what, crimes not now punishable by law, to which punishments ought to be affixed.

In offering this resolution, Mr. B. said it had been decided that the courts of the United States had no power to punish any act, no matter how criminal in its nature, unless Congress have declared it to be a crime, and annexed a punishment to its perpetration. Offences at the common law, not declared such by acts of Congress, are therefore not within the range of the jurisdiction of the Federal courts. Congress have annexed punishments but to a very few crimes, and those all of an aggravated nature. The consequence is, that a great variety of actions, to which a high degree of moral guilt is attached, and which are punished as crimes at the common law, and by every State in the Union, may be committed with impunity on the high seas, and in any place where Congress has exclusive jurisdiction. To afford an example : An assault and battery, with intent to commit murder, may be perpetrated, either on the high seas, or in a fort, magazine, arsenal, or dockyard, belonging to the United States, and there exists no law to punish such an offence.

This is a palpable defect in our system, which requires a remedy ; and it is astonishing that none has ever yet been supplied. My attention has been called to the subject by a distinguished professional gentleman now in this city. Mr. B. said he did not expect that any bill could be matured and passed into a law at the present session. If, however, the Judiciary Committee would take the subject into consideration, and report upon it to the House before it rises, it would call public attention to it, and insure the passage of a bill at an early period of the next Congress.

The resolution was then adopted.

FRIDAY, February 14.

General Appropriation Bill.

On motion of Mr. TON, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. TOMLINSON in the chair.

Mr. MOLANE obtained the floor, and moved to take up the General Appropriation bill, in the discussion of which some progress was made yesterday.

Mr. TON intimated that it would be in order, if the committee should refuse to take up that bill, to take up the other bill (the tariff bill) which is before the same committee.

The question on Mr. MOLANE's motion prevailed—76 to 71 votes—and the House proceeded to consider the Appropriation bill.

The question pending when the committee rose yesterday, was on an amendment moved

by Mr. TRIMBLE, of Kentucky, to appropriate \$25,000 for the repair of the Cumberland road, to which Mr. BUCHANAN, of Pennsylvania, had proposed an amendment, the object of which was to recede the road to the States in which the several portions of it lie, on condition of their engaging to keep the road in repair, &c.

Some conversation took place as to the propriety of urging the connection of this question with the discussion of the principle of the bill. The gentleman who moved the first amendment declined to withdraw it.

Mr. WARFIELD, of Maryland, then addressed the committee at considerable length in favor of the appropriation of money for the repair of the road, and against the course proposed by Mr. BUCHANAN.

Mr. ROSS, of Ohio, followed on the same side, also pretty much at large, adverting particularly to the origin of the fund which is pledged to refund the money which the road cost, making the consent of the State of Ohio necessary to the proposed recession.

Mr. NELSON, of Maryland, regretting the introduction of the subject upon this bill, proceeded to discharge a duty which his situation bound him to, by giving his reasons against Mr. BUCHANAN's proposition. One argument particularly he used with considerable effect, viz: that the power to cede the road must be coincident to the power to put gates upon it, the right to exercise which was at the last session denied by the Executive to exist in Congress. To agree to the measure proposed by the gentleman from Pennsylvania, therefore, would be to present to the President a proposition to which it is known beforehand he will not assent.

Mr. PHILLIPS, of Pennsylvania, briefly expressed his views of the question. He was in favor of the amendment proposed by his colleague.

Mr. WHITE, of Vermont, said he was in favor of the amendment offered by the honorable gentleman from Pennsylvania to the amendment proposed by the honorable gentleman from Kentucky.

Since the National Government, said Mr. W., has been at so great expense to make the Cumberland road, rather than it should be left to dilapidate, and be destroyed, I will vote for the appropriation to put the road in full and complete repair ; provided that provision be also made for future repairs without expense to the General Government. In my estimation it would be just and right that, in future, the road should keep itself in repair by the collection of tolls for that purpose.

I must confess, however, that I extremely regret that the gentleman from Kentucky has seen fit to encumber the General Appropriation bill with the subject of the Cumberland road. It would have been a fairer mode of legislation, and, in my estimation, more parliamentary, to have presented this subject for consideration in the bill reported from the Senate espe-

FEBRUARY, 1823.]

General Appropriation Bill.

[H. OF R.]

cially for that purpose, which stands referred to this committee. But, sir, since the subject has been presented in this shape, and the discussion has proceeded thus far, it may be a saving of time to connect it with this bill; therefore I do not consider it very important in this use to be over nice about modes and forms.

If the friends of the road are sincere in making their declarations, they will ask nothing more. They have declared a willingness to erect toll-gates and collect toll sufficient to keep the road in repair. But it has been decided by the President that the Government of the United States have not the constitutional power to establish gates and force the collection of toll on said road. What, then, is to be done, sir, but to adopt the course proposed by the gentleman from Pennsylvania—to cede the road to the States respectively through which it leads?

But gentlemen object to this course, and say it would be placing the road under the guardianship of "its own worst enemies," who would destroy it, or, by neglect, would leave it to dilapidate and be destroyed. But can any honorable gentleman be serious in making this assertion? Are not the conditions proposed sufficiently guarded? If the cession be made and accepted with the conditions proposed, the States must keep the road in repair, and collect but barely toll sufficient for that purpose, and must annually render an account to this Government. Where then is the danger of which some gentlemen have such fearful apprehensions? If the conditions should not be complied with in good faith, by the States, the cession would be void, and the road remain as much under the control of Congress as it now is—and this Government could then, if they please, continue to make repairs, the same as they can now. Where then, I would ask, are the difficulties that gentlemen would throw in the way?

But, sir, were the cession of the road to be made and accepted by the States, without any conditions, can any honorable gentleman be serious in saying that the road would be in danger of going to destruction? Will any gentleman seriously say, that either of the enlightened, patriotic, and magnanimous States, through which the road leads, should they receive the guardianship of so stupendous and magnificent a work, the product of national munificence, would not feel a pride in cherishing and preserving that work, rather than destroy it, or suffer it to go to ruin? No, Mr. Chairman, gentlemen cannot be serious; no honorable gentleman would be guilty of so foul a slander. The gentleman from Pennsylvania who has spoken with so much vehemence on this occasion, has, I apprehend, suffered his zeal to carry him too far.

And now, sir, is it not just and equitable, as it respects other sections of the United States, that this road, which has been built by the nation, at so great an expense, should in future

maintain itself? The people who inhabit the cold and inhospitable regions of the North labor under as great inconveniences with respect to roads, as the people of the West possibly can.

A high and rugged chain of mountains extends through the centre almost the whole length of the State of Vermont; across which several roads have been made, at great expense, by the enterprise and liberality of individuals; for travelling on which the citizens are obliged to pay toll; and yet, the proprietors of those roads do not, after defraying the expense of repairs, receive more than from one to three per cent. on the sums actually expended in making the roads.

An honorable member, now in my eye, my venerable and worthy colleague, from his own private funds, has expended more than forty thousand dollars, in making a road across the Green Mountains, and though the traveller pays a high toll for passing thereon, for nearly twenty years past this road has not yielded the proprietor one cent more than sufficient to make the necessary repairs. The State which I in part have the honor to represent is an inland State, remote from market. The farmers are obliged to transport their produce by land, at great expense; and go which way they will, they meet a turnpike gate, and are subject to the payment of tolls. Now, sir, permit me to appeal to the candor, liberality, justice, and good sense of gentlemen, whether it be just and equitable, that the good people of Vermont, since the Cumberland road has been made at so great expense by the National Government, should be annually taxed to keep it in repair? To keep a free road? And for whom? The people who possess and enjoy the luxuriant and fertile regions of the West. No, sir, it cannot be just. The little State of Vermont, which during the struggle for independence, maintained her ground, and single-handed defended herself, not only against the invasions of the savage foe, Tories, and hostile British troops, but against the encroachments and unjust claims of the State of New York, is far from being rich. Yet, her citizens, high-minded and patriotic, who, by persevering industry and economy, can barely obtain a comfortable support, will patiently bear their just proportion of public burdens without a murmur. But, sir, if you tax them annually to keep in repair the Cumberland road, they will feel themselves aggrieved, and will consider it unequal and unjust; yet, notwithstanding, with respect to them, I will not say, as was said by an honorable gentleman on a former occasion, with respect to his constituents at the South; but, sir, I will ask leave to amend the declaration of that honorable gentleman, when I apply it to my constituents, by striking out the word *not*. The patriotic citizens of Vermont, sir, though they should feel themselves aggrieved, and even oppressed by the acts of Congress, will not oppose those acts, by resisting the constituted authorities. No, sir,

but to use the declaration of the honorable gentleman, as amended—"they will submit; by heavens, they will!" But, sir, I wish to have it expressly understood, that they are not characters, composed of "dough faces," to be first frightened, and diverted from their purposes by empty threats, and thereby cheated out of their just rights. If the amendment offered by the gentleman from Pennsylvania be adopted, I shall vote for the appropriation to put the road in repair, hoping and trusting that hereafter the Cumberland road, of which we have heard so much, will be made to keep itself in repair, or be repaired by the State authorities, as are roads in other sections of this country, and thereby relieve the National Government from any further trouble or expense. And I do, sir, most conscientiously believe that, if the preservation of the Cumberland road be all that gentlemen, who have spoken with so much zeal on the subject, want, they will, one and all, vote for the amendment offered by the gentleman from Pennsylvania. But if their zeal arises from another cause; if they wish to retain the road as a bone of contention, whereby National and State rights may constantly be brought in collision, then they will vote against it. Mr. W. concluded by hoping that the amendment to the amendment might be adopted.

Mr. COOK, of Illinois, next delivered his views in opposition to the amendment of Mr. BUCHANAN.

Mr. WRIGHT, of Maryland, then spoke against the amendment of the gentleman from Pennsylvania.

Mr. KEYES, of Vermont, spoke as follows:

Mr. Chairman: On the subject of the Cumberland road, or, more properly speaking, the National road, now under consideration, I will not, in speaking on this question, occupy more time than I have in trying to get the floor to speak. Mr. Chairman, by the acts and laws of the Congress of the United States, ships are built, fortifications and lighthouses have been erected. Have not Congress appropriated money to repair those ships, fortifications, and lighthouses, when they have been out of repair? Or have they let them go to destruction? No, sir; they have made the necessary repairs, and not suffered them to go to ruin. Well, Mr. Chairman, by the acts and laws of Congress, the Cumberland road has been constructed. That road is now out of repair. It has cost this nation nearly two millions of dollars; and we ought not to let it go to ruin for the want of a little repairing. Sir, if I have made a correct estimate, it has cost about fourteen thousand dollars a mile; and, if the money was well laid out in making this road, it will not cost much to keep it in repair, after the first repairs are made, if well made—future repairs will cost but a trifle. When a road is first made, through a rough, mountainous, hilly country, and steep side hills to make it upon, when you have to cut the upper side of the road deep, next to the steep hill or mountain, the mountain or hill will

for a while slip down into the upper side of the road; and the dust and stones, thus tumbling into the road, must be thrown over the lower side; and, when so done, it will widen the road, and make it the better. Mr. Chairman, I ask, what motives had Congress in making this road? Was it to accommodate our Western brethren, whom we love so well, and for the benefit of our Western lands? But, sir, admitting Congress has no regard for our Western brethren, who have been of so much benefit to us in settling a part of that Western country; still we ought to consider that we have more land in the West than we can number into acres. Yes, sir, the United States have more than four hundred millions of acres, and how much more I cannot tell, in the Western country. And, Mr. Chairman, I think Congress has acted very wisely in making this Cumberland road, leading over the hills and mountains to that goodly land. Sir, it has been asked, by several members of this House, what benefit is this National road to Maine and Georgia? Well, sir, I will ask, is not Maine and Georgia interested in the land? Yes; and all the other States of this Union are also equally interested in this National road, leading to those lands. But, sir, a gentleman, who spoke yesterday, when this question was under consideration, said something about heaping up coals of fire. I did not know the man's name, nor do I know where he belongs; but I know he is a member of the House, for I recollect his face well enough. Well, sir, what did he mean by heaping up coals of fire? Sir, if he will keep his heap of coals, and have them ready to burn the timber which may be prepared to build the contemplated gates, I will go with him, and help to kindle the fire. Sir, I think toll-gates are a curse to their owners, and to their customers also; for the owners of turnpike roads do not generally get enough toll to keep their roads in repair; and the traveller, when he comes to the gate, must make the change; but, if he cannot, then he must go back to the city or town, to get his money changed, before he is permitted to pass the gate. Sir, this road is one hundred and thirty miles in length; and, if you set up a gate for every ten miles, you will have thirteen gates: you must also build toll-houses near each gate; and you must provide for each gate a toll-gatherer, or money-catcher—call him what you please. And, Mr. Chairman, I ask, what will all this cost? Sir, it will cost ten or fifteen thousand dollars, at least, for the first year, or more; for you will give your toll-gatherers from five hundred to one thousand dollars each a year, or perhaps much more. Mr. Chairman, I am in favor of appropriating money sufficient to make the first repairs. But, sir, I am opposed to giving this road to the States of Pennsylvania, Maryland, and Virginia, or any other State or States, for them to erect gates and take toll. Sir, if this road is ceded to the aforesaid States, it is uncertain whether they will take it or not. And, further, if once ceded away, it never again will be a free

FEBRUARY, 1823.]

Apportionment of Midshipmen.

[H. OF R.]

road; or, if ever, not short of one hundred years. Sir, if you take this mode of getting rid of the National road, you will adopt a sure way to lessen the value of your Western lands, and incense your Western brethren. Mr. Chairman, I have no doubt but people will soon settle on this road, and be sufficient to keep it in good repair with their common highway taxes, and not be burdened with higher taxes than other people are on other roads—for people always like to settle on good roads. Sir, I wish a good, thorough superintendent may be appointed—a man that will work himself, and be always present with the men; and the laborers should be hired for the term of six months; the money from Government being sure, the men, thus hired, ought to repair this road with good economy. And, in my opinion, by adopting this mode, it would not cost the United States half the money to repair this road as it would by letting it out in jobs. Mr. Chairman, it is true, as my colleague has stated, I have spent large sums of money in making roads. In that part of the country where I live when I am at home, when I first went into it, when we had to travel the roads, with a cart or wagon loaded with six or eight hundredweight, we had to employ half a dozen men, to hang on one side or the other, to keep the cart from turning over; but, since we have constructed our turnpike roads, one man can drive his team with a load of two or three tons on his wagon. And, sir, although these roads give no dividends to their owners or proprietors, yet the money expended in making them is not wholly lost; for the farms and wild lands which they go through, or lead to, are worth double as much as they ever would have been without having these roads made to travel upon. Mr. Chairman, I know not how other gentlemen feel about giving away this road; but, sir, if I should, by my vote, give away two millions of the United States property, I should not dare to return home. Sir, I hope I have made myself intelligible to Congress; and, if I have, I presume they will go with me in appropriating a sum sufficient at once to repair the National road. Sir, I find some gentlemen, who are in favor of repairing the road, seem rather inclined to vote to appropriate the money in the bill which came from the Senate. But, sir, since we have the matter now before us, I think it would be a saving of time to decide upon it at this time. Sir, this road is the property of the nation, and I think it the duty of Congress to take care of it.

When Mr. K. sat down the committee rose, and the House adjourned.

SATURDAY, February 15.

Convention with Great Britain for the Joint Occupation of the Columbia.

A Message received yesterday from the PRESIDENT OF THE UNITED STATES was read, and is as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 22d January last, requesting the communication to the House of all the correspondence between the Government of the United States and Great Britain, relating to the negotiation of the convention of the 20th October, 1818, which may not be inconsistent with the public interest,—I transmit herewith to the House a report from the Secretary of State, together with the papers requested by the resolution of the House. JAMES MONROE.

WASHINGTON, February 13, 1823.

The Message, report, and documents, were laid on the table.

The SPEAKER laid before the House a report from the Secretary of the Treasury on so much of the memorial of the General Assembly of the State of Alabama as relates to the sale of the public lands in the counties of Jackson and Decatur, in that State, referred to him on the 8d instant; which was read, and ordered to lie on the table.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of the expenditures at the national armories, and of the arms made and repaired therein, during the year 1822; rendered in obedience to an act, passed on the 2d of April, 1794; which letter and statement were laid on the table.

On motion of Mr. TATNALL, the Committee on Naval Affairs were instructed to inquire into the propriety of continuing the pension heretofore allowed to the widow of the late Lieutenant Elbert, of the United States Navy.

MONDAY, February 17.

Apportionment of Midshipmen.

Mr. FULLER, from the Committee on Naval Affairs, who were instructed to inquire into the propriety of ordering a more equal selection of midshipmen for the Navy of the United States, made a report thereon, adverse to the objects contemplated in the inquiry; which report was read, and ordered to lie on the table. The report is as follows:

By the second section of the second article of the Constitution of the United States, the President is vested with power, by and with the advice and consent of the Senate, to nominate and appoint all officers, whose appointment is not otherwise provided for by the constitution; thus giving him the exercise of his discretion, without any limitation as to place of birth or residence, in such appointments. This latitude in selecting persons of suitable character and qualifications, must have been deemed indispensable, to enable the Executive power to fulfil the high trust of providing for the "faithful execution" of the laws, and at the same time involves a responsibility which would have been considerably diminished by such a restriction as is suggested by the resolution. In appointing officers in the civil department, for the performance of duties which are local in their nature, the committee believe that a regard to the circumstance of residence, and of the political and individual relations of the persons selected, must frequently be among the considerations most important to a just decision. Nor

is there any reason to doubt, that a due regard to this consideration, in accordance with local predilections, and the spirit and genius of a free people, has guided the Executive of the United States, as far, hitherto, as the public good requires.

In the Army and the Navy, less scope is afforded to the Executive, in filling the higher grades of service, as long established usage limits the selection of suitable persons to an inconsiderable number, whose education and probationary character are deemed to render them the only subjects of such selection. It is only in the appointments to the lower grades, from which, at a future day, the highest ranks of the military and naval corps are to be filled, that the utmost latitude is afforded to the President, for consulting the future interest of the country, by enrolling in her defence an adequate number of brave, intelligent, patriotic, and virtuous officers; and the committee are of opinion, that any restriction, by law, even if permitted by the constitution, would be highly pernicious in its operation, and might often result in the appointment of persons incompetent and unsuitable.

In regard to the appointment of midshipmen, the particular subject of the present inquiry, it appears, by the letter of the Secretary of the Navy Department, accompanying this report, that a disposition sufficiently favorable to a general and fair participation of naval preferment has constantly pervaded that Department, and has been no otherwise counteracted than was unavoidable, from circumstances beyond its control.

The committee fully concur in the propriety and policy of enrolling in the naval service the meritorious young men of the interior States, whenever they manifest a solicitude to enter it; and they are persuaded that such a disposition on their part has always been encouraged, and will continue to be so, as far as a due regard to the constitutional discretion and responsibility of the Executive will permit. They, therefore, recommend the following resolution:

Resolved, That any provision, by law, restraining the Executive of the United States, in the selection of midshipmen, is inexpedient.

NAVY DEPARTMENT, Jan. 26, 1823.

SIR: In answer to the inquiry, in your letter of the 21st instant, whether any general rules are adopted in the Department, by which the selection of midshipmen is made, particularly as relates to their residence, I have the honor to state, that the general rule, by which I have been governed in this respect, is, to apportion them among the several States, according to the ratio of representation in Congress, when the applicants were unexceptionable as to character and qualifications for the service. The disproportion, however, was so great, that I have not, as yet, been able to bring about an apportionment among the several States, according to the rule alluded to. But as, in all new appointments, due regard is had to the principle, the object will, before long, be effected. Whether it would be expedient to adopt, by law, this rule, leaving no discretion on the subject to the Department, may well be questioned. Although the applicants, in the aggregate, are very numerous, yet there are some States from which there are but few; and if the Department should be bound by law to conform, in all cases, to this rule, the selection might not always be of the most deserving and best qualified.

I have the honor to be, &c.

SMITH THOMPSON.

HON. TIMOTHY FULLER,
Chairman Naval Committee.

THURSDAY, February 20.

Virginia Military Land Warrants.

The Committee of the whole House to which is committed the bill extending the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office; as, also, the bill extending the time for issuing and locating military land warrants to officers and soldiers of the Revolutionary army, were discharged from the further consideration of the said bills.

The House then proceeded to consider the bill extending the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office.

A debate arose, of considerable length and animation; in the course of which, the principle of the bill was opposed by Mr. VANCE of Ohio, and Mr. ROSS of Ohio; and supported by Messrs. STEVENSON, CAMPBELL of Ohio, MCCOY, RANKIN, MEEGER, and HARDIN.

Mr. SLOANE then moved to add the following, by way of amendment, to the bill:

"SEC. 8. *Be it further enacted*, That no holder of any warrant which has been located and surveyed, shall be permitted to remove the same, and again locate it on any other tract, except in cases of eviction, or unless it be found to interfere with a prior location."

After some debate on this amendment, in which Messrs. MCCOY, WRIGHT, WALKER, RHEA, and COOK, engaged, it was negatived by a considerable majority.

The bill was then amended, on motion of Mr. CAMPBELL, so as to extend its operation to four years for locating, and six years for returning surveys.

The debate was then resumed by Mr. VANCE, who zealously opposed the bill, which Mr. HARDIN again defended.

Mr. ROSS then offered the following amendment:

"*Provided*, That no warrant shall hereafter be located by virtue of this or any other law, on any lands heretofore sold by the United States, to any individual or individuals."

MESSRS. HARDIN, RANKIN, and CAMPBELL of Ohio, opposed the amendment; and Messrs. ROSS and COOK supported it; when

The amendment was negatived.

Mr. WALWORTH, who was in favor of this bill, yet thought that justice required that the pledges of the Government in favor of one class of persons during the Revolutionary war should not be less binding than to another. Under this impression, he moved to add a new section to the bill, for reviving, for the term of four years, the act for the benefit of the Canadian refugees during the Revolutionary war.

The amendment was opposed by Messrs. STEVENSON and RHEA, as unconnected with the principles of the bill; and

The amendment was negatived.

Mr. COOKE then proposed to amend the bill

FEBRUARY, 1828.]

Fortifications—Internal Improvements.

[H. OF R.]

by a proviso literally the same as that offered by Mr. ROSS, with permission to those locating land warrants to make them on any land of the United States, in the country so reserved, unoccupied by previous location.

Messrs. RANKIN, RHEA, ABOHER, and MEROER, opposed this amendment; and Messrs. COOKE, TRACY, WALWORTH, and NELSON of Maryland, supported it.

One or two verbal amendments were made to the amendment of Mr. COOKE;

When the question was taken on the amendment, and agreed to.

Mr. CAMPBELL, of Ohio, then moved to lay the bill on the table, he being unwilling to vote for the bill with this proviso attached to it.

On this motion Mr. RANDOLPH required the yeas and nays; but a sufficient number not rising to sustain the call—

Mr. CAMPBELL withdrew his motion to lay the bill on the table; and

Mr. COOK then moved to recommit it to the Committee on the Public Lands.

This motion was agreed to—ayes 75.

FRIDAY, February 21.

Revolutionary Land Warrants.

The House resumed the consideration of the bill extending the time for issuing and locating military land warrants to officers and soldiers of the Revolutionary army; when—

Mr. ROSS moved to subjoin thereto the following section:

"Sec. 2. *And be it further enacted*, That, at the expiration of the time limited by this act for the location of the military land warrants aforesaid, it shall be the duty of the Commissioner of the General Land Office to transmit to the Surveyor General a list of all the lots of land within the fifty quarter townships which shall at that time remain unlocated. And the Surveyor General shall prepare and transmit to the registers of the land office at Chillicothe and Zanesville, respectively, general plats of the aforesaid unlocated lots; which lots shall, after the 4th day of June, 1825, be offered for sale at the land offices in the districts in which they are situated, in the same manner, and on the same terms and conditions, in every respect, as other public lands are offered at private sale in the same districts."

Mr. ROSS offered some remarks in explanation and support of his amendment, and was opposed by Mr. RANKIN and Mr. MCCOY.

On the question to agree to the amendment, it was negatived; and the bill was then ordered to be engrossed for a third reading.

TUESDAY, February 25.

Election of Printer.

Mr. ALLEN, of Massachusetts, pursuant to the notice he yesterday gave, that the House this day proceed to ballot for a Printer, to execute the printing for the next Congress, now made a motion to go into the election of the said Printer.

Mr. McLANE moved to postpone the election of Printer until Saturday next.

Mr. MOORE of Alabama, Mr. SAUNDERS, and Mr. WRIGHT, were against so long a postponement.

The question was then taken on agreeing to the motion of Mr. ALLEN, of now proceeding to ballot for a Printer; and it was determined in the affirmative.

After the nomination of candidates—

The House then proceeded to the balloting, and, upon counting the votes by the tellers, Messrs. COOKE and MALLARY, it appeared that the whole number of votes was 155, of which 79 were necessary to a choice.

For Gales & Seaton - - - 102

Andrew Way, junior - - - 48

Other persons - - - 10

Gales & Seaton were then declared duly elected Printers to the next Congress.

Fortifications—Internal Improvements.

Mr. STEWART moved the following amendment:

"For enabling the President of the United States to employ a competent number of Military or Topographical Engineers to ascertain the practicability and probable expense of uniting the waters of the Potomac and Ohio by a canal, the sum of three thousand dollars."

The amendment having been read—

Mr. STEWART said he regretted that it had become necessary to bring this subject before the House, by way of amendment to a bill providing for other, and, in his opinion, less important objects. He had hoped, he said, that the Committee on Roads and Canals, to whom many petitions upon this subject had been referred during the session, would have made a special report in its favor; but, he was sorry to say, that a majority of that committee, doubting the constitutionality or expediency of the measure, had not thought proper to act upon it at all. There remained, therefore, he said, no way left by which the wishes of the petitioners (and most of them were his constituents) could be gratified, but his offering the amendment he had proposed.

The union of the great rivers of the East and the West, opening an inland navigation of near three thousand miles, through the heart and centre of this immense Republic, and binding it together by the strongest ties—the ties of interest and intercourse—was, in every point of view, a national object of the first magnitude; an object which could not fail at any time to command the favorable attention of the House; but, at this moment, he said, it was peculiarly interesting. Sir, said Mr. S., this great subject forty years ago occupied the anxious attention of the wisest and best man that this or any other country had ever produced—he would name but WASHINGTON, its zealous advocate—the advocate of every thing promotive of the good and the glory of his country. The subject, he said, had been recently revived, and now

occupied the attention of several of the greatest States in the Union. But a few days since a bill, he said, had been passed by the Legislature of Virginia, incorporating a company, with a capital of two millions of dollars, for the purpose of carrying this canal from tide water, at this city, to Cumberland, two-thirds of the whole distance to Pittsburg. This was an act of liberal and enlightened policy, worthy of that great State. In the Maryland Legislature, though there was evidently a majority in favor of this measure, yet its friends had consented to its postponement, with a view to bring it forward under more favorable auspices at the next session. In the Legislature of Pennsylvania it appeared, from a letter he had just received, a committee, raised upon this subject, had reported decidedly in its favor; and he hoped the great and growing States of Ohio and Kentucky, so deeply interested, (where he understood this subject was now agitated,) would be found willing to afford a prompt and hearty co-operation. And shall we sit here, the quiet, passive, and indifferent spectators of these great efforts to accomplish an object so vitally interesting to the union and prosperity of this nation? He hoped not. He hoped this proposition would be adopted; it would at least afford countenance and encouragement; it would stimulate and strengthen the efforts of its friends in the States; it was due to them—it was due to the country.

Sir, I am told by a gentleman near me, said Mr. S., that this is not a proper bill in which to introduce this amendment. I beg leave, sir, to differ with the gentleman. What is the object of this bill? It is to provide for the defence of the country, and especially for the defence of this city, by the erection of forts and fortifications. You have just, said he, voted \$46,000, to be expended, during the next season, on a fort near the confines of this District of ten miles square a few miles below Alexandria. Sir, I ask, which will afford the most effectual defence to this city, the erection of this fort, or the opening of this canal? The canal, continued Mr. S., will make this one of the greatest commercial cities in the Union. A water communication is opened into the interior, which must throw into this city all the rich, varied, and abundant productions of the agricultural and manufacturing industry of the West; and here they will purchase most of the immense quantities of goods required for the supply of those great and growing States. Thus, sir, you increase the population, you increase the wealth, the strength, the resources of this city; and this, sir, give me leave to say, is the best way to defend it—by increasing its men, its bone, its muscle, by adding to the number of balls and bayonets to encounter the enemy on its approach. But, sir, of what avail will be your forts and fortifications, some fifteen or twenty miles distant? The enemy will avoid your forts, and attack and burn your city, as they did during the late war, and return unmolested. Sir, had WASHINGTON lived to carry into effect this

splendid purpose, this Capitol never would have been violated and profaned by a hostile foot, nor our public edifices consumed by a Vandal foe.

But, sir, this very communication is pointed out and recommended, by the present Secretary of War, as connected with the military defence of the country, in his very able and luminous report, made some time since, on the subject of "military roads and canals." And if, sir, it has been shown that this measure is better calculated to secure the defence of this city, in time of war, than the forts provided for at an expense of millions, how is it in time of peace? Your forts are a constant burden of expense—the other is a source of unceasing profit and advantage. To support the one, you must keep a standing army in time of peace; the other, while it affords every facility, in peace and in war, to trade and intercourse, uniting and bringing more nearly together distant parts of our country, giving interest and activity to new sources of wealth, will yield you, perhaps, twelve or fifteen per cent. on the stock invested. The one is effected at the joint expense of this Government, and States, and individuals interested; the other exclusively out of the public purse. For these reasons, I say, the gentleman is mistaken, when he supposes this amendment has no connection with the bill under consideration.

In another point of view, the nation, said Mr. S., has a deep interest in the growth and prosperity of this city. Sir, this Government owns five thousand lots. These lots, I discover, are estimated at two millions of dollars. By this measure, they will be enhanced more than five-fold in value. They would at once become an object of speculation to the capitalist. Without this canal, this city and your public property must decline together. The avenues now open to the public Treasury must soon be closed; and the immense expenditure of money, in building and rebuilding the Capitol, the public offices, &c., must soon cease; and the crowd of population which has thus been fed upon the offal of the public Treasury must depart and seek employment elsewhere, leaving the capital of this proud Republic, the wonder and admiration of the world, a melancholy scene of desolation and decline.

The perfect practicability of uniting the waters of the Potomac and the Ohio seems to be no longer doubtful. On this subject there exists but one opinion among the many skillful and experienced engineers who have examined the head waters of these streams. They are found to approach within two miles, at a point where the water in each is abundantly sufficient to turn mills in the driest seasons, or supply canals to any extent. [Mr. S. here referred to the report of the Virginia and Maryland Commissioners, laid upon the table a few days since.] This report, made, said Mr. S., by gentlemen of the highest respectability, possessing much practical skill, not only establishes the practicability of uniting these streams, but it shows, by

FEBRUARY, 1823.]

Fortifications—Internal Improvements.

[H. OF R.]

a minute calculation, that the whole sum required to complete this canal to Cumberland, two-thirds of the whole distance to Pittsburg, would be \$1,578,954, not one-fourth part of the sum required to complete the New York canal; this splendid work, once denounced as chimerical and absurd, is now the object of universal admiration and applause. But is it, in any point of view, as important as the canal now proposed? Compare them. The New York canal passes through a single State, and terminates on our Northern frontier. The Ohio and Potomac canal will pass through the heart and centre of this Republic, opening a water communication from the Seat of the National Government to the city of New Orleans; affording its advantages to all the intermediate States, waiving the immense and various productions of the interior through this city to their appropriate markets, at one-twentieth part of the present cost of transportation by land. Besides, this canal enjoys the advantages of the coal trade, which nature has denied to the other, and being in a milder climate will remain several months longer unobstructed by ice.

But this report, continued Mr. S., establishes two other propositions, to which he begged leave to call the attention of the House. The first, though not new, he said, was important; it was, that the difference in the cost of transportation by canals and by land was as twenty to one; that is, that the cost of carriage on canals was one-twentieth part only of the cost upon roads. This was, he believed, a common result to which all writers on the subject had come, and which was confirmed by the use of canals wherever adopted; from this, it evidently followed that the opening of this canal would place the seat of the National Government, for all the purposes of trade and of intercourse, within fifteen and a half miles of Pittsburg. The whole distance by water would be three hundred and ten miles; divide this by twenty, gives fifteen and a half by land. It has been ascertained, said he, that the sum paid in Pittsburg alone, in one year, for the transportation of goods for the supply of Ohio, Kentucky, &c., had amounted to \$1,500,000; divide this by twenty, and it will be reduced by the canal to \$75,000, saving the West from an annual taxation of \$1,425,000. For the cost of transportation was, he said, paid by the consumer of the goods, in the same way that he paid the duty that enriched the public Treasury. But Pittsburg was not the only place of deposit. Mr. S. here read from a letter which he had lately received from a respectable merchant in Wheeling, who stated that he received on an average \$3,000,000 worth of goods per annum, at his store, transported on the Cumberland road, for the carriage of which he paid about \$120,000; by the canal, this sum would be reduced (according to the principle of the report to which he referred) to \$6,000. But an equal saving would be effected on the transportation of the agricultural, and other products of the

interior, to the Eastern markets. He would mention, he said, a single fact, which might illustrate the importance of this object: from the returns of the marshals, in 1810, it appeared that there had been manufactured in the western counties of Pennsylvania alone, in that year, 417,181 barrels of flour and whiskey. These articles were now carried principally over the mountains, in wagons, at an expense of about three dollars per barrel, which by the canal would be reduced to fifteen cents per barrel. The glass manufactured in his neighborhood, he said, was transported to Baltimore by land, at an expense of near one-fourth of the price received; (a higher duty than was paid by the foreign article;) on this canal, instead of one dollar per box, they would pay five cents. These were a few instances selected to illustrate the advantages of this work; and the results, he repeated, were inevitable, if the principle laid down in the report was correct; and it was confirmed by universal experience, and by all writers on the subject with which he had become acquainted. And here, he said, he would appeal to gentlemen opposed to the encouragement of domestic manufactures, and he would ask them whether, while they withheld from the interior and the West the benefits of domestic manufactures, which were the only markets for the consumption of their heavy agricultural products, they would also withhold every facility for carrying them to an Eastern market, by which the price would be reduced to the purchaser, and increased to the seller? He hoped such injustice as this would find no advocate on that floor.

The other position established by the commissioners in their report, to which he referred, was this—that a moderate toll upon this canal could not fail to yield a revenue of at least fifteen per cent. on the stock invested. And this was supported and confirmed by another able writer on this subject, late a Senator in Congress, who showed that a much larger amount would be received from the profits of the coal trade alone, independent of the tolls on the lumber, lime, goods, and the various productions of the interior. And this would, perhaps, not be considered extravagant, when we recollect that in England some of the canals employed exclusively in the transportation of coal yield a revenue of one hundred and seventy per cent. per annum, and the shares of stock had increased in value from one hundred to three thousand five hundred pounds each. He referred, he said, to the Loughborough canal, which overcame a fall of more than twenty-eight feet per mile, while an average of less than eleven feet would overcome the fall from this city to the summit level of the Alleghany mountain. The whole fall from the top of the mountain to tide-water was two thousand two hundred and fourteen feet. He had in his hand, he said, a statement of the value of the stocks and the tolls collected on thirty canals in England, taken from a London Magazine of 1812,

from which it appeared that these stocks, upon an average, had increased in value six hundred per cent., and yielded an average profit of thirty per cent. per annum; from which he was induced to believe that the commissioners were not extravagant in saying that the proposed canal would yield fifteen per cent.; and the more especially when it is considered that the proposed canal would be little more than three hundred miles in length. Yet it will promote our inland navigation of near three thousand, and of course draw to itself all the advantages of the immense, populous, and productive countries bordering on the Mississippi, Ohio, the Potomac, the Chesapeake, and their tributary streams. If, then, the toll be so regulated as to yield fifteen per cent., would it not be the interest of the Government, as a measure of revenue, independent of the thousand other advantages, to borrow the money, as is proposed in a very able report made upon this subject during the last session? Any sum could be readily obtained, at home or abroad, at five per cent. The last loan was obtained for less.

Suppose, then, the Government were to loan three millions, the whole sum required, at five per cent., and make it irredeemable for twelve years, the funds being all on hand, the canal, it is believed, could be completed in six years—perhaps less. Let the toll then yield fifteen per cent., and in less than twelve years from the date of the loan the tolls alone will amount to a sum sufficient to satisfy and pay the whole of the debt and interest, without taking one cent from the public Treasury—leaving the Government the absolute proprietors of three millions of stock, yielding annually into the Treasury the sum of four hundred and fifty thousand dollars. Regulate your tolls so as to yield fifteen per cent.—the sum fixed by the commissioners in their report—and this result is inevitable. It is a matter of mathematical demonstration, and these profits must of course increase with the increasing trade, resources, and population of the West.

On this subject, Mr. S. said, he professed to have no practical knowledge. His reasoning was predicated upon the principles of the report of the commissioners—all of whom were men of talent—some of them practical men, who had been engaged in the construction of the James River Canal. He therefore considered their opinions entitled to great respect. If they were wrong, his reasoning would be in the same degree erroneous.

Mr. S. said he rejoiced that the dawn of internal improvement, by canals, began to open upon this nation, and to dispel the doubt and darkness which had so long enshrouded us. The New York Canal, he hoped, would have the effect here that the Bridgewater Canal had in England; that it would awaken the nation to a sense of its true interest. In 1759, when the Duke of Bridgewater finished his canal in England, there was not another in that empire; in 1806 there was completed 245, and legisla-

tive provision made for 57 others; 22 of these united the waters of the East and the West, crossing a mountain, which separated that country as the Alleghany did this. Thirty-two miles were entirely subterraneous. To destroy these canals would be to cut the veins which gave circulation to the life's blood of that powerful nation. France, he said, had not been inattentive to this important subject; she had made many canals, at a great expense. Upon one she had expended more than twelve millions of dollars. Other Governments had been even more provident. Claudius, one of the Roman emperors, it was said, had employed 80,000 men for twelve years upon a single canal; and Holland, scarce half as large as some of our States, had expended upon canals £300,000,000, more than double the whole amount of the expenditures of this Government since the formation of the constitution. Sir, said Mr. S., we have expended \$582,000,000. In the last twenty years, \$469,000,000 had been expended. What had become of it? It was gone. Expended on navies, and armies, and forts, and fortifications, in supporting foreign Ministers, light-houses, ships, buoys, and beacons, to facilitate and protect foreign commerce, which had drained our life's blood, and almost bankrupted the nation. Yes, sir, I say *armies* for the defence of *foreign* commerce. Was not the late war declared emphatically in defence of "free trade and sailors' rights?" And this would be the source of every war with which this country might hereafter be afflicted.

And what, sir, has been done for internal commerce, for the benefit of the interior, and of the West? They had contributed their full portion of the public revenue. Sir, said he, since the commencement of this Government, to this day, you have expended scarcely two millions of dollars to facilitate internal trade, by internal improvements; and even this paltry sum the State of Ohio was bound to refund. But the West had not only contributed her share of the public revenue, but she nobly and gloriously shed the full portion of the blood spilt in the defence of "free trade and sailors' rights." She has done it cheerfully, and would do it again when occasion required it. But the people of the West did entertain a hope that their interests would not be wholly neglected; that some small portion of the national revenues would be devoted to the benefit of "internal commerce among the States," and not exclusively lavished upon objects connected with foreign commerce. This was, he said, a reasonable expectation, and he hoped it would be gratified in the accomplishment of the object of the amendment he had offered; however, if it was refused, there was one consolation still left: the time was not far distant when the West would be able to command upon this floor that just attention to her interest which might now be withheld. And, sir, when she comes here in her pride and in her power; when her weight will be felt, and her voice will be heard, in the decision of

FEBRUARY, 1823.]

Fortifications—Internal Improvements.

[H. OF R.]

the gravest question which could be agitated in this country, he hoped that, while she forgot her enemies, she would not be unmindful of her friends. The West, he trusted, would always cheerfully acquiesce in the decisions of the constituted authorities of this nation. From that quarter, the sound of "rebellion," which had lately assailed our ears, would, he hoped, never come.

While we see other Governments, *monarchies*, so attentive to the interests of the people, affording every possible facility to internal trade and intercourse where the advantages and inducements are not half so great as they are here, for few countries possess such an extent of territory, such a variety of climate, and of soil, separated and intersected by such immense mountains, rivers, and lakes, all affording the greatest facilities and strongest inducements to internal improvements; while, said he, monarchs are thus employing the public purse for the people's benefit, shall we, the people's Representatives, lavish their money on objects of military grandeur, (for, said Mr. S., we have this day voted away near five millions of dollars in military appropriation bills,) neglecting their more immediate and important interests? Sir, if we are thus interrogated by the people, are we prepared to give them a satisfactory answer?

The money expended on armies is gone, and no more heard of it, while the benefits of that expended in canals would be enjoyed for centuries to come; and, as stock, would annually yield a revenue to the Government. Mr. S. said he was aware that constitutional objections were fashionable on subjects of this sort. But, sir, said he, this amendment involves the exercise of no doubtful constitutional power; it proposed the employment of topographical engineers on an object connected with military purposes; we were in the daily practice of providing for the surveys of coasts and harbors, and bays and rivers, for commercial purposes only, unconnected with military objects. Look, sir, said Mr. S., to the report of the expenditures of the last year, and you will find half a dozen items of this sort! surveying the Mississippi, clearing out the river Thames, surveying the coast of Carolina, &c. This proposition, therefore, avoided these knotty and difficult questions. But, sir, if it involved the exercise of our constitutional powers on this subject, to their utmost extent, is not the question settled? Sir, it is. Gentlemen would recollect, he said, that at the last session, when a motion was made to strike out the enacting clause of the bill for the erection of gates on the Cumberland road, on the ground that we had no power to erect gates, and impose fines and penalties for their evasion; yet, sir, from the vote upon that question, it appears that but thirty-seven doubted the power of the Government even to go thus far, while seventy-six voted in its favor. And in the Senate, where were to be found some of the most profound, experienced, and

enlightened constitutional lawyers in this or in any other country, there were but seven votes against the passage of this bill, which exerted the constitutional power of this Government over the subject of internal improvements to its utmost limit. If a vote of more than two to one in this House, and more than four to one in the Senate, did not settle the question, he was at a loss to know what would.

The constitution, he said, expressly gave to Congress the power to "regulate commerce among the States," as well as "with foreign nations." In the exercise of this power, (for it could not be justified by any other,) we appropriate annually about \$200,000 to erect and support light-houses, buoys, beacons, &c., by which internal commerce was facilitated for hundreds of miles into the interior, up your bays and rivers, even to this city. And if you have the power to improve the navigation of bays and rivers, by erecting lights and piers, and removing obstructions to the navigation of vessels and crafts of forty to fifty tons, why not go further, and remove obstructions, and facilitate the navigation, by opening canals for boats carrying thirty or forty tons, a few hundred miles further into the interior? If you can improve the navigation of the Potomac and bay, from the Atlantic to this city, why not go on to the city of Pittsburg? Sir, said Mr. S., the power and the principle is the same. He defied the ingenuity of any gentleman to draw a distinction; even the gentleman from Virginia (Mr. SMYTH) himself could not show any constitutional difference. The constitution merely gave the power "to regulate commerce;" it did not prescribe the manner. This was left to Congress, who had expressly the power to pass all laws "necessary and proper to regulate commerce among the States." If they consider it "necessary and proper" to cut a canal for this purpose, they have expressly, by the constitution, the power to do it. This was too clear to admit a doubt, it could not be obscured by all the political metaphysics that could be brought to bear upon it.

But the constitution has also given to Congress the power to provide for the defence of the country; this no one denied; and he thought he had already clearly shown that this measure was intimately connected with the defence of the seat of the National Government, which, from the experience of the late war, it appeared, stood in need of defence. In this view of the subject, he said, he was supported by the Secretary of War himself, who had pointed out this object in his splendid report on "Military Roads and Canals," already referred to.

The construction of the Cumberland road had been justified a few days ago by a gentleman who denied the constitutional power of Congress over the subject of internal improvements, on the ground that it enhanced the value of the public lands, with respect to which the constitution gave Congress the power to make "all

needful rules and regulations." Now, as the cost of intercourse upon the canal would be only one-twentieth part of the cost on the road, would not the canal, in the same proportion, enhance the price and facilitate the sale of the public lands? And but a small portion of these lands, he said, had yet been disposed of. The amount sold had brought about sixty millions of dollars; the amount yet to be disposed of would bring (if sold at the minimum price, \$1 25) more than \$500,000,000. Then, sir, said Mr. S., whether this canal is regarded as "necessary and proper" for the regulation "of commerce among the States," or as "necessary and proper" for the defence of this city and the District, it is, in either case, equally in the power of Congress, by the express words of the constitution, to make it. But, sir, we are told this will be a violation of the rights of the States through which it may pass—it will trench upon their powers. Sir, the States concerned will thank Congress for thus violating their rights. It is a concurrent power which violates no right; a power which is only felt by the States in the benefits and blessings it confers. Sir, it is conferring powers upon the States by the General Government; it is giving money (which is power) to the States, to be expended within their territories, and for their benefit, adding to their wealth, power, and resources, at the expense of the General Government. Yet we are told it is a violation of State rights. Sir, these gentlemen are not the friends, they are the enemies of State rights. While we are passing whole codes of penal laws, by virtue of the powers claimed as incidental to the fearful right of raising armies and navies, and imposing taxes and burdens upon the people, (here the States might startle, and statesmen might stop and pause in their career;) but not a word is heard from those champions of State rights. You may pass laws taking away the life, liberty, and property of the citizen, as incidental to the express right to "lay taxes," without exciting any uneasiness or alarm. But, when you attempt to give up a part of the money of the General Government for the use of the States and the people; when you propose thus to confer benefits and blessings upon them, you are met at once by this fearful alarm about "swallowing up the States," violating their rights, &c. Mr. S. said he could assure gentlemen that the States concerned did not thank them for their friendly interference in opposing these measures.

From the report referred to, Mr. S. said, it appeared that a meeting of twelve commissioners, appointed on the subject of the improvement of the navigation of the Potomac, by Virginia and Maryland, was held at Annapolis on the 22d of December, 1784, consisting of General Gates, Judge Chase, and others of the most distinguished patriots of that day. At this meeting General WASHINGTON presided; and, after consultation, it was resolved, "That it is the opinion of this conference that the removing

the obstructions in the river Potomac, and making the same navigable from tide-water as far up the North Branch as may be convenient and practicable, will increase the commerce of Virginia and Maryland, and greatly promote the interests of the United States, by forming free and easy communication and connection with the people settled on the Western waters, already very considerable in their numbers, and rapidly increasing, from the mildness of the climate and the fertility of the soil."

In speaking of the advantages of this work, they go on to say, that it would afford "substantial proof to our brethren of the Western territory of our disposition to connect ourselves with them by the strongest bonds of friendship and mutual interest." It would, they say in another part of their report, "contribute much to their convenience and accommodation; and the benefits resulting therefrom to these States would compensate the expense of a road" from Cumberland to the Monongahela River, which they also proposed to have opened. These were the views of the patriots of the Revolution, of the sages of '76, near forty years ago, on this subject. They were the views of WASHINGTON, who fixed the seat of Government with a view to this very object. He clearly foresaw its advantages, and, had he lived, we should have long since enjoyed their glorious consummation. WASHINGTON afterwards, in a letter dated the 31st of October, 1788, expressed himself on the subject as follows:

"The extensive inland navigations with which this country abounds, and the easy communication which many of them afford, with the amazing territory to the westward of us, will certainly be productive of infinite advantages to the Atlantic States, if the Legislatures of those through which they pass have liberality and public spirit enough to improve them. For my own part, I wish sincerely that every door to that country may be set wide open, that the commercial intercourse with it may be rendered as free and easy as possible. This, in my judgment, is the best, if not the only cement that can bind those people to us for any length of time—and we shall, I think, be deficient in foresight and wisdom, if we neglect the means of effecting it. Our interest is so much in unison with the policy of this measure, that nothing short of that ill-timed and misapplied parsimony and contracted ways of thinking, which intermingles so much in all our public councils, can counteract it."

If, sir, it was properly called "ill-timed parsimony and contracted policy," thirty-five years ago, even before the establishment of the present constitution, what would be said of it now? At that time there were but few settlers in the West; they had few wants, and they were easily supplied, where we find now some of the most powerful and populous States, enjoying all the refinements and indulging in all the luxuries of the most polished society. Where there were Indian huts you now find splendid cities. The country then inhabited by savages and beasts of prey is now covered with towns and villages, and cultivated fields. If this measure

FEBRUARY, 1823.]

Suppression of Public Documents.

[H. OF R.]

was necessary then, how much more imperiously is it demanded now?

Mr. S. said he would not trespass longer on the time of the House. He felt much indebted for their indulgent attention, and he would conclude with expressing the hope that this measure would not be rejected, especially when gentlemen took into view the immense advantages to be derived from it in a political point of view, by uniting the East and the West, equal, already, to two great empires—its advantages to internal commerce, opening an inland navigation from the seat of Government to the city of New Orleans—its advantages to the agricultural and manufacturing industry of the interior, now laboring under insurmountable difficulties. He begged gentlemen to consider its advantages to this city, in which all had an interest, as the seat of the National Government—its growth, its prosperity, its defence, were important, and would be promoted. It would enhance the value of the public lands and the public lots. It would make the seat of Government follow the march of power to the West. It would place it in the vicinity of the first markets in the world. And to accomplish all these, and many other equally important objects connected with this subject, it was proposed, not that the Government should give a gratuity to the States concerned, but that it should subscribe a sum, as stock, corresponding with the interest we had in the accomplishment of the object in view, and from which we will hereafter derive our full share of the profits, in common with the States and individuals concerned. We thus avoid all constitutional difficulties, and they were, certainly, the only objections that could be urged against this measure—a measure due to the city—due to the interior—it was due to the West—to ourselves, and to the nation, and therefore he hoped, nay, he felt certain, of its final adoption.

WEDNESDAY, February 26.

Suppression of Public Documents.

Mr. CAMPBELL laid before the House a letter from the Secretary of the Treasury to the committee appointed to make further inquiries respecting the suppression of a certain paragraph contained in a letter communicated to this House at the last session; and the said letter from the Secretary of the Treasury was ordered to be printed.

The letter is as follows:

TREASURY DEPARTMENT, Feb. 24, 1823.

SIR: In reply to your letter of the 10th instant, enclosing a resolution of the House of Representatives, of the sixth of the same month, and requesting the communication of any information, not already communicated, as may be in possession of the Department, I have the honor to observe, that when the Bank of the United States went into operation, an effort was made to simplify the operations of the Treasury, through the instrumentality of that institution. To

give to this effort the greatest efficiency, it was agreed that the bank should have the selection, not only of the State banks in which the public money should be deposited, in places where it had established no office, but of those whose notes should be received on account of the revenue; and that all money so deposited, should be entered to the credit of the Bank of the United States, in trust for the Treasurer of the United States. It was further agreed that the Treasurer might draw upon the bank, at any place where the public money was deposited, whether there were any public money at such place or not; with the understanding, however, that reasonable notice should be given to the bank, when it was intended to draw for any considerable amount beyond the sum on deposit at such place.

This project was generally carried into effect, in the course of 1817, after the State banks had resumed specie payments. The notes of all such banks, in the Western States, were received by the land officers, and deposited, as specie, in the offices of the Bank of the United States, and in the State banks, employed as offices of deposit.

This plan of simplifying the operations of the Treasury, was, in the course of 1818, interrupted, on the one hand, by the complaints of the State banks, employed as offices of deposit, that the Bank of the United States acted oppressively and capriciously towards them, by subjecting them to all the inconveniences incident to the relation they held, and depriving them of most of the advantages which they had a right to expect from that relation; and, on the other, by those of the Bank of the United States, alleging that the State banks were desirous of appropriating to themselves all the advantages of their situation, without bearing any part of the burdens imposed upon it by its charter, or by the arrangement made with the Treasury, one of the most onerous of which was the implied obligation it had incurred of guarantying not only the solvency of those banks, whilst they were employed as offices, but also of the other State banks, whose notes were received on account of the revenue. This state of collision and irritation continued increasing until the autumn of 1818, when the bank notified the Department that it could no longer execute its arrangement, without sacrificing the essential interest of the institution. At the same time, it declared its determination to receive from the land officers nothing but its own notes, and the current coin of the Union, except as special deposit. Shortly after this determination, many of the Western banks stopped payment.

The experience of the bank had, about this period, led to the conviction, that it was impracticable to keep its notes in circulation in the Western States, and orders were, consequently, issued in the course of the autumn, or in the early part of 1819, forbidding its Western offices to issue their notes, even on a deposit of specie. The determination which it had formed in relation to payments on account of the public lands, was, therefore, practically a determination to receive nothing but current gold and silver coin, which was nearly as difficult to be obtained, in the Western States, as the notes of the Bank of the United States. At this time there was due the United States nearly twenty millions of dollars, by the purchasers of the public lands, a great part of which debt had been contracted during the suspension of specie payments, and in the years 1817 and 1818, when the notes of nearly all the Western banks were receivable in payment.

It was manifest, upon the slightest reflection, that this determination of the bank would greatly reduce the receipts into the Treasury from that important branch of the public revenue, but that consideration would not, alone, have been sufficient to have induced the Executive department to have assumed the responsibility of the measure, which was, with great deliberation, adopted upon the occasion.

To have permitted the distress and ruin in which the purchasers of the public lands would have been involved, by the refusal to receive from them any thing in payment but the current coin of the Union, and the notes of the Bank of the United States, under such circumstances, without an effort by the Executive Department to avert them, would have excited feelings in a large and meritorious body of citizens, which no prudent Government, even if despotic, could have seen with indifference. It is confidently believed, that, if no such effort had been made, the Executive Department of the Government would have been charged with the most shameful imbecility, and that the Treasury Department would have been loaded with the public execration. If an effort was to be made to afford relief, the alternative presented was to continue to receive the notes of the few banks in the West, which still continued to pay specie, and enter them to the credit of the Treasurer, in the offices of the bank, as special deposit; or to deposit them in State banks, upon conditions which would make it their interest to return them into circulation as soon as practicable, on account of the Government. In the first case, they would have accumulated in those offices, without the possibility of being put again into circulation on account of the Government, as those offices would have had no inducement to make exertions to convert them into specie, or transfer the amount, by the purchase of bills of exchange upon New Orleans, or upon the Atlantic cities. To effect either of these operations, it was manifest that the employment of the State banks was indispensable. The arrangements proposed were maturely considered and adopted, with the approbation of the President, who was fully sensible of the importance of the crisis which had arrived.

The inducements which were offered to those banks, to resume and continue specie payments, and to transfer the excess of the public revenue collected in the Western States, beyond the expenditure, to places where it could be expended, were believed to be both justifiable and sufficient to insure success, and the result has proven that nothing was necessary to the most complete success, but the want of integrity in those who had the direction of some of those institutions.* Against this contingency, the department availed itself of all the means within its reach, and confided in the representations of gentlemen who occupied high and responsible stations in the public councils, whose judgment and integrity were considered unquestionable, and whose means of information excluded almost the possibility of mistake. Notwithstanding the want of integrity which has been manifested by the directors of several of those banks which have failed, it is still confidently believed, that, after making a liberal allowance for any loss which possibly may occur, by the Farmers and Mechanics' Bank of

Cincinnati, the Banks of Vincennes, Edwardsville, and Missouri, the benefits which have resulted from those arrangements will greatly preponderate over such loss.

It is impossible to state whether any loss will eventually be sustained by the Government from either of those banks. No apprehension is entertained of loss from any other. The Farmers and Mechanics' Bank of Cincinnati is, therefore, the only one in which public money has been deposited, where the Bank of the United States had established an office, from which there is any danger of loss.

That bank, in a very short time after it resumed specie payments, in conformity with its agreement with the Treasury Department, stopped payment, and has never made any return, or answered any of the demands which have been made upon it for information. The impression, in relation to it, has, therefore, been very unfavorable. A suit has been brought against it, in the Federal court, for the amount of public money in its possession, which has not yet been decided.

The arrangements made with the Farmers and Mechanics' Bank of Cincinnati, the Bank of Chillicothe, and the branch of the Bank of Kentucky, at Louisville, where offices of the Bank of the United States had been established, by which the public money collected at the land offices, in the vicinity of those banks, was deposited in them, were not communicated to Congress at the next session after their date, from mere inadvertence to the provision of the charter to which the resolution refers. They were, however, matters of general notoriety, not only in the Western States, but in the other parts of the Union. Omissions of this nature have frequently occurred in the departments, and, it is presumed, will occur hereafter, with officers the most attentive. The notoriety, however, which attended these arrangements with the banks, it is presumed, will satisfy the committee, that there was neither a wish or intention to withhold from Congress the fact of such deposits, and the reason upon which the measure was founded.

The papers which are herewith transmitted support the views presented in this letter. I remain, &c.

WM. H. CRAWFORD,

The Hon. JOHN W. CAMPBELL.

THURSDAY, February 27.

Suppression of Public Documents.

Mr. CAMPBELL, of Ohio, from the select committee appointed to inquire who committed the act of suppressing certain passages of documents transmitted to the House, made a report in relation thereto, recommending that the committee be discharged from the further consideration of the inquiry committed to it; which report and resolution were read and ordered to lie on the table. The report is as follows:

The committee, instituted under the resolution of the House of Representatives of the 6th instant, ask leave to report, in part:

Thus far, the attention of the committee has been chiefly directed to the performance of the duties required of them by the first member of the resolution. As the investigation was undertaken without any sanguine expectations of being able to designate the person who caused the suppression of the paragraph in the letter A 5, they feel but little disappointed in not having made the discovery.

* This is proven by the fact that the banks of Illinois, of Madison, and of Columbus, have fulfilled their engagements with fidelity, and still continue to fulfil them; and that the Bank of Chillicothe faithfully fulfilled its engagements, as long as they existed.

FEBRUARY, 1823.]

Suppression of the Slave Trade.

[H. OF R.]

The committee requested the appearance of every person who, it was supposed, could make any disclosure, tending in the least degree to the accomplishment of the object for which they were appointed. The attendance of the witnesses was prompt, and all the depositions were made under the solemnities of an oath. That the testimony might be as explicit and intelligible as possible, interrogatories, deemed the most pertinent, were propounded to the witnesses, and the responses reduced to writing, in the language in which they were given.

The committee submit the following as the substance of the testimony which has been collected, in addition to that already reported to the House.

Mr. Cook, the member from the State of Illinois, deposes, that the documents of which letter A 5 is one, were in his possession two or three days; that he believes no person, during that period, had access to them in his absence; that Mr. Edwards, a Senator from the State of Illinois, inspected them in his presence; but whether the inspection extended to letter A 5 he is unable to say; that he is impressed with the belief that Mr. Van Swearingen, late a Representative from Virginia, was present; but thinks he did not examine the documents. Mr. Cook states it to be his impression that he read letter A 5, before the documents were printed; that he has no recollection of seeing the brackets, cross, and underscoring, at that time, nor does he yet know by whom, when, or where, they were made; that he did not know, until the pendency of the former investigation, that the practice, in the office of the *Intelligencer*, was to omit printing those paragraphs which are included in brackets, and crossed; that the documents were in his drawer, in the House of Representatives, about a day before he moved to have them printed; and that he very rarely kept the drawer locked. See A E.

Mr. Edwards, a Senator from the State of Illinois, deposes that, some time last winter, the manuscript documents, of which A 5 is one, were, at his request, brought to his room by Mr. Cook; that he inspected those minutely which had a relation to the bank at Edwardsville; that, having no motive to examine the correspondence between the Treasury Department and the Bank of Steubenville, he did not see letter A 5, nor did he ever see it until it was shown to him by the committee; that he knows not by whom, or when, the marks it now bears were made; that, some time last winter, Mr. Cook intimated to him that there were such expressions in the documents as are contained in the suppressed paragraph. See B.

Mr. Dickinson, a clerk in the Treasury Department, deposes, that he had no intercourse with the printers, for the purpose of seeing, or in anywise altering the documents, during their publication. See C.

It having been intimated that the underscoring was made with ink different from that used in the clerk's office, the committee requested the attendance of Mr. S. Burch, chief clerk in the House of Representatives. He states that age increases the darkness of the ink used in the office, whilst that which is furnished Congress, having been in use some time, fades, and assumes a rusty appearance, such as is exhibited in the underscoring of the suppressed paragraph. He states, that the underscoring is, in his opinion, made with ink of a character unlike that with which the body of the letter is written. See D.

William R. Dickinson, Esq., in a letter to Mr. Dickinson, of the 10th instant, states, that he had examined the letter-book which contains A 5, and also conversed

with the clerk of the bank on the subject, and that both are of opinion that no part of the letter was underscored or marked, when it left the bank.

The committee cannot conclude this report without an expression of their conviction, founded as well on the character of the transaction to which the suppressed paragraph refers, as the circumstances under which it has been communicated to the House, that there does not exist the semblance of a reason for charging upon the Secretary of the Treasury any agency in its suppression, or for connecting him in any way with the mutilation of this document. The transfer from the Bank of Chillicothe to the Bank of Columbia, and thence to the Bank of Steubenville, of the sum of eighteen thousand dollars, which was held by the former institution as a special deposit, was an ordinary banking operation, weakening in no degree the security of the Government, and which has eventuated in no loss to the Treasury. There could have existed, with the Secretary of the Treasury, therefore, no motive for this suppression. He had no end to attain, no purpose to subserve, by the practice upon the House of a fraud, alike insulting to its dignity and discreditable to the agent who should hazard its perpetration. The circumstance that the Secretary of the Treasury, in responding to the call of the House, communicated the original letter, of which the suppressed paragraph is a part, is decisive, in the judgment of the committee, to negative the idea, if ever indulged, that there could have been entertained by that high officer any intention to keep out of view any part of its contents, particularly as it is usual, in answer to calls from the House, to communicate the copies of documents, rather than the original, which has been transmitted in this case.

The committee, after a careful examination of the pencil brackets and marks upon (A 5) and a close comparison of them with the marks upon other letters communicated to the House, acknowledged by Mr. Dickinson to have been made by him, are unable to form any opinion of the probable authorship of this suppression. There is nothing in the marks themselves to indicate it, nor in the correspondence of the marks upon the one letter with those upon any other, to show that they are the work of the same hand. In reference to the underscoring of part of the suppressed paragraph of (A 5) the committee have taken some testimony which they beg leave to submit to the House, with the remark that neither the testimony of Mr. Burch, nor any other testimony they have obtained, will, in their apprehension, justify the opinion that any member of Congress made the underscoring or the brackets, which induced the printers not to publish the paragraph. The letter of Mr. William R. Dickinson to Mr. Dickinson, although not strictly before the committee, as evidence, they have thought it not improper to bring to the view of the House.

An expectation that any further efforts to detect the person who caused the suppression of the paragraph in letter (A 5) must prove as unavailing as those already made, induces the committee to ask to be discharged from the further consideration of so much of the resolution as relates to that subject.

FRIDAY, February 28.

Suppression of the Slave Trade.

Mr. MEROKE called for the consideration of the following resolution:

Resolved, That the President of the United States be requested to enter upon, and to prosecute from time to time, such negotiations with the several maritime powers of Europe and America, as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation, as piracy, under the law of nations, by the consent of the civilized world.

Mr. M. prefaced his motion to take up this resolution, submitted by him to the House on a former day, by stating that, notwithstanding the advanced stage of the session, he laid claim to the indulgence of the House, for a consideration of the resolution which had been just read, on the ground that he had forborne to urge its consideration until that portion of the public business had been disposed of, which, requiring the co-operation of the two Houses, could not, by their new rule, be transacted after the last evening. He trusted that the House would regard this appeal to their favor, as deriving some support from the recollection that he had abstained from any participation in debate upon many interesting topics which occupied their attention at an earlier period of the session. Were it allowable, on a motion to take up a resolution, to enter upon its merits, he would venture to say, that a more important question, whether regard be had to the policy, the justice, or the humanity of the nation, had not been presented to the deliberation of the House, than that which was involved in the resolution that he now asked the House to consider, and to dispose of according to their wisdom.

The House having agreed to consider it, Mr. M. proceeded to say, in substance, as follows: After experiencing the indulgence of the House, I shall avoid trespassing on their patience, by confining my argument, in support of the resolution, to the narrowest compass. The commerce which this resolution seeks to suppress, by a combination of the moral and physical power of the civilized world, has been declared, many years ago, by a convention of the principal powers of Europe, to be the disgrace of that continent, and the scourge and calamity of Africa.

The Government of the United States prohibited it as soon as it had acquired constitutional power to do so; and, by a succession of laws, increasing in severity, three years ago denounced it as piracy. The report of the committee to the House of Representatives, which accompanied the bill to this effect, in the first session of the Sixteenth Congress, borrowing the language of the memorable Congress of Vienna, pronounced this trade to be the scourge of Africa, the disgrace and affliction of both Europe and America. Yet the papers lying before me disclose the melancholy fact, that, notwithstanding the active and zealous efforts of Great Britain and America to suppress this iniquitous traffic, seconded, as those efforts had been, by the treaties of the former with three of the principal maritime powers of Europe, the African slave trade continues to

spread its ravages over that much-injured continent; increasing annually, both in extent and malignity. Since this trade has been condemned by the moral feelings of all Christendom, it has fallen into the hands of the most daring and hardened adventurers. Shielded from search, by the maxims of public law, no efforts of the maritime power of England and America can overtake or punish them. So long as the right of common search and punishment is withheld, so long may the flag of a single State cover this detestable commerce. Indeed, the partial restraints now imposed upon this traffic, by enhancing its profit and its danger, serve only to whet the cupidity of avarice, and to augment the sufferings of its victims. The heart recoils with horror from the narratives of cruelty and guilt recounted in the volumes before me. From two African rivers—the Bonny and the Calabar—both emptying into the Atlantic, north of the line; from a very small portion of an extensive coast, to the whole of which the slave trade has been interdicted, by the united voice of all Europe, two hundred and fifty cargoes of human beings have been transported in a single year! Of these one-third are supposed to have perished in the middle passage! The mixed commission courts of Great Britain and her allies have not, from their first institution down to the present period, pronounced more than twenty sentences of condemnation on the numerous vessels engaged in this traffic; and the court established at the great slave mart of Cuba, not one!

Mr. Speaker, the volumes before me abound with unquestionable evidence of the deplorable extent to which these horrible cargoes are smuggled into our Southern States. This evidence consists of numerous letters from the custom-house officers of the United States, the faithful though ineffectual agents of our laws for the exclusion of this forbidden, impolitic, and guilty commerce. Their testimony is confirmed, in my knowledge, as it must be in that of an honorable colleague of mine in my eye, (Mr. FLOYD,) by what another honorable member, now a Minister abroad, (Mr. Middleton, of South Carolina,) declared five years ago to be his belief, that not less than thirteen thousand African negroes were annually smuggled into the Southern States. Within a few days past, I have been informed, by the highly respectable representative of the most remote of these States, (Mr. JOHNSON, of Louisiana,) that numerous instances have more recently occurred of the illicit introduction of this population, through Galveston, and the adjacent shores, into the Territory of Louisiana. If the United States, and especially the Southern States of this Union, were exposed to the hazard of having their settled and salutary policy baffled by the cupidity of these daring adventurers, before the recent acquisition of Florida, how greatly is that hazard augmented by a sea-coast, without inhabitants, of great extent, bordered by numerous islands, indented by many commodious in-

FEBRUARY, 1823.]

Suppression of the Slave Trade.

[H. OF R.]

lets, and immediately opposite to the great slave market of the West Indies. To guard a coast like this, whole squadrons of revenue cutters, and armies of custom-house officers, would prove ineffectual. An hour or two, or at most a single night, suffices to perfect one of these iniquitous enterprises. The unfortunate captives are landed, conveyed into the interior, and "no mention of them more is made." They are consigned to hereditary slavery; and to the desolation of the country from which they have been torn, is added the curse of that which receives them.

Sir, said Mr. M., the United States cannot be insensible of the danger of inundating, with new floods of black population, not only the extensive and numerous islands on their southern border, but their own territory. A danger greatly enhanced by the rapid increase, in their own bosom, of a third caste, midway between the slave and the white population of the South, and alike pernicious to the happiness of both. As I advance, said Mr. M., new views of the malignity of this growing evil crowd upon my imagination, and I perceive it to be necessary to recollect the pledge with which I set out in this argument. I will but add, that it is not less the interest of the European colonies in the West Indies, than our own, to arrest this cruel, this unnecessary traffic. Wherever it has been partially suspended, as in the United States, and the British West Indies, this species of labor, fostered by better treatment, multiplied but too rapidly by its natural resources; while in the island of Guadaloupe, a census lately repeated, after a short interval of ten years, affords the horrible result, that, of a population of little more than one hundred thousand, notwithstanding all the accessions from foreign importation, there has been a declension of fifteen thousand souls! A fact which must sound an audible appeal to the humanity of the hardest heart.

Having seen that the root of all these calamities cannot be eradicated by the means which have been hitherto employed, either by others, or ourselves; that our own flag has disappeared from the African coast, only to give place to that of other nations, by whom this trade is alike forbidden; that the occasional vessel which we despatch for that desolated land, carries with it, under the late instructions of our Government, no authority competent to the execution of our own purpose; and that no measure of an internal policy can shield us from that share of the general calamity resulting from this traffic, which falls peculiarly on our own country; allow me, said Mr. M., to invite the earnest attention of the House to the remedy provided by the resolution which I have presumed to propose.

Let the African slave trade be denounced to be piracy under the law of nations by the consent of the maritime powers of Europe and America, and this species of piracy will, like any other, speedily disappear from the surface

of the ocean. All nations will have authority to detect, to punish it, to hunt it down.

I am aware, sir, that technical objections have been urged, and sneers have been indulged against the legal accuracy of the application of the term piracy to this offence. Such criticism has no sound reason to sustain it. The law of nations is in part natural; in part conventional. Its only sanction is to be found in the physical force, its legal authority in the express or tacit consent of nations. The consent of nations may make piracy of any offence upon the high seas. In seeking a denomination for a new crime, it is not necessary to invent a new term. The object of classing the prohibited act under an old title, is to provide for the former a definite and competent remedy. Piracy, under the law of nations, is alike understood, and punished by all nations. But, sir, is there no analogy between the African slave trade, and the offence of piracy, which would warrant the proposed classification of the former crime under the latter title? It may sometimes prove a difficult task, amidst conflicting authorities, to say what is not piracy; but it cannot be difficult to determine what it is.

It is robbery, on the high seas, without a lawful commission from any recognized authority, to take forcibly from a vessel, without color of law, a single package of goods? And is it not robbery to seize, not the property of the man, but the man himself; to chain him down, with hundreds of his fellows, in the pestilential hold of a slave ship, in order, if he chance to survive the voyage, to sell him to some foreign master; to consign him, and not himself only, but his latest posterity, to hereditary slavery in an unknown joyless land? By a former law, almost coeval with our present constitution of government, we made murder on the high seas piracy. Kill a man by poisoning the air he breathes—is it not murder, as truly as to kill him by poisoned food, or by planting a dagger in his heart? Is it not, indeed, to kill with the aggravated horror of a slow and loathsome death? It is robbery, combined with murder. This crime, begun on a barbarous shore, claimed by no civilized State, and subject to no moral law, is prosecuted to its consummation, on the high seas. Every day, every hour of such a voyage of iniquity, furnishes a fresh instance of the crime.

Search the etymology of this term, and nothing restricts piracy to mere injuries of the rights of property, or limits its commission to a certain distance from any foreign shore. According to the most remote antiquity, the first pirates were stealers of men; and, for the very purpose which now carries the African slave dealer to that continent which his crimes have so often imbued with human blood, to enslave and sell his spoil. From the shores of the Mediterranean, this piracy spread along the Atlantic, and finally encircled Africa and her islands, within its iron grasp. From the very history of this species of piracy, it may be confidently inferred,

that, when once suppressed, it cannot be revived. Other piracies have their origin in transient disorders in the world. They cease and reappear again. This is a remnant of ancient barbarism—a curse extended to the new world by the colonial policy of the old. Let Africa but once freight with the fruits of her soil those ships which now carry thither scourges and fetters, and she will not sell her offspring. Let all Christendom proclaim the slave trade to be piracy, and you will shortly revolutionize the moral sentiment of the few States who now seem, not by their professions, indeed, but their conduct, to tolerate this crime. Public sentiment and law act reciprocally on each other. Has not the denunciation of the African slave trade as piracy, by the act of the last Congress, done much towards the entire abolition of that portion of this traffic which then lingered in America?

The time is not very remote, when men of high standing in our country openly and unblushingly prosecuted this profitable commerce. Is there now remaining a single man in America, who would brave the public sentiment, not to speak of the public justice, by avowing himself a participant in this guilty traffic?

Sir, said Mr. M., the present period is most propitious for the success of the experiment I have presumed to recommend to the sanction of the House and the nation. South America furnished, and Brazil yet affords, an extensive market for African slaves. Two years only have elapsed since this House pledged itself to sustain the Executive in a recognition of the independence of the Spanish American provinces, now the States of Mexico, Columbia, Buenos Ayres, Chili, and Peru. During our present session, the Executive has deputed Ministers to the several Governments of these new-born empires. The instructions of these Ministers, it may be presumed, are now preparing, and if among them there shall be comprehended this resolution, sustained, as I trust it will be, by the approving voice of this House, will those Governments deny to us the small boon we ask of them, humanity and justice, in return for our recognition of their sovereignty? They have all, possibly, with the exception of Peru, followed the example of the United States, by abolishing this trade. They will undoubtedly seize the first occasion to propitiate the good will, not of America merely, but of all Christendom, towards their infant cause.

Brazil, the great slave mart, which has so long withheld Portugal from a cordial union with England in the abolition of the slave trade, is also a candidate for independence; and it may be confidently hoped that another year will afford sufficient evidence of her ability to sustain it. Should she, in like manner with her neighbors, yield her support to our policy, much will have been achieved for the success of the object of this resolution.

The Cortes of regenerated Spain have recently signalized their humanity by annexing penal-

ties to the slave trade, next in severity to those denounced against that offence by Great Britain and America. Portugal, severed from Brazil, will probably tread in her steps, when urged to it by England, her ally and protector.

The Government of France, where public sentiment derives activity and force from an enlightened, generous, and high-minded people, will not much longer temporize with the plighted faith of treaties, and her acknowledged sense of moral and religious obligation.

The maritime powers of the North early ceased to participate in this criminal traffic, and have acknowledged the duty, devolved on Europe, of rendering retributive justice to Africa, so long the victim of a cruel and mistaken policy.

On the northern shores of the Mediterranean, there is no State, except those which I have named, whose colonial policy requires the labor of Africa to sustain it.

What the United States may hope to effect in the New World, it must be left to England to accomplish in the old, where her influence is predominant; and continued peace yet favors every effort of humanity to improve the condition of our race. Great Britain cannot but perceive the inefficacy of those mixed courts on which she has relied to give effect to her laws and treaties for the abolition of the slave trade, and, above all, that her present system, complicated and difficult of execution in peace, must be exposed to great derangement, if not abandoned, in war. She cannot but prefer to it the substitute offered by our resolution, which is in its character as simple, as it must prove in its operation effective; and which will endure until its purpose, the entire abolition of the African slave trade, is accomplished.

In concluding, said Mr. M., I perceive, Mr. Speaker, that I have omitted much of what I had intended to say; and what I have uttered, with a feeble voice, under circumstances which greatly tended to impede my thoughts, as well as my speech, has, I fear, done but little justice to the noblest theme that ever engaged an advocate.

Should this resolution fail, it will be a source of deep and lasting regret to me that I have ventured to submit it to the judgment of the House. I call, therefore, upon my friends from Massachusetts and Pennsylvania, and upon my colleagues, (Messrs. GORHAM, HEMPHILL, and FLOYD,) who have hitherto co-operated with me in this sacred cause, not to allow it to sink, through my inability to sustain it. I implore the humanity of this house to uphold it; I demand it of their justice.

Mr. WRIGHT said he rose to aid his honorable friend from Virginia, Mr. MERCEUR, in his noble effort to put a stop to the African slave trade, that odious blot on all the nations concerned in it. It will be recollected, said Mr. W., that at the commencement of the present session, I insisted that that part of the President's Message that related to the African slave trade, should

FEBRUARY, 1823.]

Suppression of the Slave Trade.

[H. OF R.]

be referred to a select committee, with directions to make an early report, that the subject might be brought before us in a tangible shape. This resolution goes to request the President to endeavor to effect, by negotiation, this great object; and, by a convention with the nations that can be induced to agree to it, to make it piracy, as we have done. Although, sir, this resolution authorizes the President to adopt any measure necessary to effect the object, I feel it due to the Administration, who feel a delicacy on the subject of the right of search, to propose to add to the resolution—"and that we agree to a qualified right of search." Sir, this Congress ought, by the adoption of this amendment, to take upon themselves the responsibility of this measure, by their positive opinion, and leave it no longer a subject of doubt what is the will of the American people. Sir, with what pride do we look back on ourselves, even to the commencement of the Government, when, by an article in that hallowed instrument, we agreed to prohibit this immoral traffic, after the year 1808; and with what pleasure have we seen the Governments of Europe adopting our philanthropic policy, and treading in our footsteps; and let me ask, what must be the feelings of those patriots who have examined this subject, and have seen our Government retiring from this qualified right of search, the only possible means, in my judgment, to effect the object? This, sir, has been agreed to by several of the powers of Europe, not less tenacious of their rights than we are, but our Government, recollecting the claims of Great Britain to impressment, have feared some collision might arise in the exercise of this right, and have as yet declined it. I therefore feel anxious that we should take on us that responsibility.

Sir, it must be recollected that eighty thousand Africans are annually victimated to bondage, and they and their offspring consigned to endless slavery; and that two hundred free blacks, on the river Sierra Leone, have been captured and sent into slavery, although sent there to be governed by themselves; and it is said that fifteen thousand annually are smuggled into the Southern States directly or through the Spanish provinces. This, sir, is the horrid practice of the case; and two several committees of this House have, at the last session and at the session preceding it, reported that "The President of the United States be requested to enter into such arrangements as he may deem suitable and proper with one or more of the maritime powers of Europe, for the effectual abolition of the African slave trade." This resolution was proposed in the session ending 4th March, 1821. Here let me ask your attention to the Edinburgh Review, of October, 1821, page 50: "The immortal honor which the Americans have gained by their former exertions against the African slave trade, augmented by their recent enactments, classing it among piratical offences, will soon, as it now appears, be consummated, by their accession to the principle for which we have been contending."

"A report lies before us from a committee of Congress upon this point, and nothing can be more judicious or more enlightened. The committee begin with showing 'that a mutual right of search is indispensable to the great object of abolition,' as affording the only security against our slave traders taking refuge under the flag of any one power less vigilant than the rest, in executing its abolition laws. They then advert to the prejudices existing in America against this right, founded upon 'the opinions entertained respecting the practice of searching neutral vessels in time of war,' and they deny that the two kinds of search are, 'in principle, in any degree, allied;' and most justly observe, that the unqualified admission of England, that no right, whatever, at present, exists, of searching, in time of peace; an admission, both founded on the decisions of our prize courts, and evinced by the negotiation itself, ought, at once, to remove the principal objections against the new arrangements contended for. They put the matter upon a plain and impartial ground, when they add, that the question simply is, 'whether such an agreement will be beneficial to the two nations; and, they truly add, that all inconvenience from detention of vessels will be precluded, by limiting the right of seizure alone to ships having slaves actually on board.'"

I have quoted so much of the Review upon this subject, nor can I refrain from expressing my entire approbation of their sentiments. The report of the last session is substantially the same, and I should have hoped would have had the desired effect on the Administration. However, I trust that this resolution will induce them to adopt such arrangements as may be deemed most effectual to put a stop to this disgraceful traffic, and fulfil the best wishes of the American people. The idea that this measure may lead to any contention between the contracting powers, I think is not well founded; but, should this be the case, we have nothing to fear, and I hope and trust that no honorable member will ever be influenced by such an unmanly principle; but, that our Government will listen to the voice of distressed humanity, and unite with the powers of Europe in a qualified search, as proposed by Lord Castlereagh in his noble agency for the suppression of the African slave trade.

Mr. WRIGHT's amendment having been rejected—

Mr. BURROWS, of Connecticut, required the previous question, and in this call he was sustained by a majority of the members. The previous question was put and carried; and then,

The main question (on agreeing to the resolution, as above stated) was taken by yeas and nays, and decided as follows:

YEAS.—Messrs. Abbot, Allen of Massachusetts, Allen of Tennessee, Barber of Ohio, Bassett, Bateman, Bigelow, Borland, Breckenridge, Brown, Buchanan, Burrows, Cambreleng, Campbell of New York, Campbell of Ohio, Carter, Cassedy, Chambers, Colden, Condict, Conkling, Cook, Crafts, Cushman, Dane, Darlington, Denison, Dickinson, Durfee,

Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Farrelly, Findlay, Forward, Fuller, Gebhard, Gist, Gorham, Govan, Hamilton, Hardin, Hemphill, Herrick, Hill, Hobart, Holcombe, Hubbard, Ingham, Jackson, Jennings, J. S. Johnston, Jones of Tennessee, Kent, Kirkland, Lathrop, Leftwich, Lincoln, Litchfield, Little, McCarty, McCoy, McDuffie, McKim, McLane, McNeill, McSherry, Matlack, Matson, Mattocks, Mercer, Metcalfe, Mitchell of Pennsylvania, Moore of Virginia, Moore of Alabama, Morgan, Murray, Neale, Nelson of Massachusetts, Newton, Patterson of New York, Patterson of Pennsylvania, Phillips, Pearson, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Reed of Massachusetts, Reid of Georgia, Rhea, Rich, Rochester, Rodney, Ross, Ruggles, Rus, Scott, Sergeant, Sloane, Arthur Smith, Alexander Smyth, W. Smith, J. S. Smith, Sterling of New York, A. Stevenson, J. Stephenson, Stoddard, Swan, Taylor, Thompson, Tod, Tomlinson, Tracy, Udree, Upham, Vance, Van Rensselaer, Van Wyck, Walworth, Warfield, Whipple, White, Williams of Virginia, Williams of North Carolina, Williamson, Wilson, Wood, Woodson, and Wright—181.

NOTE.—Messrs. Alexander, Ball, Burton, Edwards of North Carolina, Floyd, Hall, Hooks, Rankin, and Tattall—9.

SATURDAY, March 1.

Indian Trading Establishment.

MR. METCALFE, from the Committee on Indian Affairs, to whom was referred the President's communication and accompanying documents, relative to the execution of an act of the last session of Congress, abolishing the Indian trading establishments, made a report thereon, which was ordered to lie on the table. The report is as follows:

The Committee on Indian Affairs, to whom was referred the President's communication and accompanying documents, relative to the execution of an act of the last session, abolishing the Indian trading establishment, have had the same under consideration, and respectfully submit the following report:

In executing the act referred to, it appears that George Graham, Esq., received the appointment of superintendent, in the place of Colonel Thomas L. McKenny; and an agent has also been appointed, and sent to each of the trading-houses, with instructions to receive from the former agents all the goods, and other property on hand, and to dispose of the same as soon as it can be done, having a due regard to the public interest.

The superintendent and agents so appointed, it is believed, are active, intelligent gentlemen, of unexceptionable character, and suitable qualifications. In turning over the merchandise and other property on hand, at the several trading-houses, into the hands of the new agents, the original invoice prices are charged to the Government. Much of the merchandise, so charged, consists of unsalable, damaged, and worthless remnants and articles, now of little or no value. All the debts due to the factories, which have been created and not collected, by the former agents, and also the factory buildings, are charged to the Government.

A. B. Lindley, the agent appointed to settle up the business of the trading-house at Fort Chicago,

has performed that duty with fidelity, and has returned an account thereof; which is herewith presented to the House.

It will be seen that the whole amount of all the goods and other property at this establishment, at the rates at which the same has been charged to the Government, is \$15,637 62. A great portion of those goods were old, unsalable, and damaged, and, consequently, when sold, there was an average loss to the Government of about fifty-four cents to the dollar.

The whole amount of loss upon the merchandise, at that factory, is \$6,968 87½. An additional loss will be sustained upon debts due the establishment, which are not likely to be collected. This is the only trading-house from which complete returns have been received. Persons who are desirous of purchasing the goods at the Red River factory, offer to pay the original cost and carriage. It is therefore believed that no loss upon the goods received at that trading-house will be sustained by the Government.

In winding up the business at the Choctaw trading-house, a very considerable loss will certainly fall upon the Government. (See Mr. Randall's Return, and remarks upon the Inventory.) From the testimony of Mr. Hersey, the former agent at that place, it appears that not more than one-third of the debts due to that establishment are likely to be collected. The whole amount of debts exceeds \$12,000; and, from the description given of the wretched condition of the merchandise on hand, a great loss upon the sales thereof may be readily anticipated.

The committee do not bring into question the propriety of stating the original invoice prices of the goods, as per inventory, on the delivery thereof into the hands of the new agents; but they believe that, in a final settlement of the accounts between the Government and the former conductors of the trade, the amount actually realized, from the sales of goods and property, of every description, will be the only fair and proper charge in favor of the latter against the former, except for property, if any, destroyed by Indians, during the late war; and debts due from the Indians to the factories, and assumed by the Government.

In 1806, the amount of capital stock, actually drawn from the Treasury, including former appropriations, was \$260,000. On the third of March, 1809, an act passed, allowing an additional appropriation of \$40,000; making, in all, \$300,000—ten thousand of which, the late superintendent states, was never drawn from the Treasury. The whole amount, therefore, of capital stock, thus vested in the Indian trade, must have been \$290,000.

The law positively requires that the "prices of goods supplied to, and to be purchased by, the Indians, shall be regulated in such manner, that the capital stock shall not be diminished."

The superintendent and his clerks, the agents and sub-agents, received annually for their services, not out of the trading fund, but directly from the Treasury, about \$20,000. This sum, with the interest thereupon, and the interest upon the capital stock, which, it is believed, will be equal, in all, to between thirty and forty thousand dollars annually, is entirely lost to the Government.

The ninth section of an act of 1811, to regulate the Indian trade, provides that the superintendent shall purchase such goods as may be required, for In-

MARCH, 1823.]

Spanish Privateers.

[H. OF R.]

dian annuities, for treaties, and for presents, and transmit the same to the proper places. And it appears that the goods furnished by the factories to Indian agents, for the purposes aforesaid, were not limited at cost and carriage, but charged to the Government, at the same rates, as if they had been sold to the Indians; say, at an advance (according to instructions given at the factory), of 66½ to 100 per cent.; and as high as fifty per cent. for goods of inferior quality; and the whole amount, so charged, actually drawn from the Treasury. This appears to be a considerable advance paid by Government for merchandise purchased with its own capital.* It is said that the conductors of the Indian trade were generally men of integrity and honor; not deficient in talent or enterprise, or any of the requisite qualifications for discharging the duties of their respective stations. And how it happens that, under circumstances so advantageous to the traders, the Government should not now be able to realize a sum equal to the original capital stock, appears to be inexplicable. It is not possible for the committee to trace the conductors of this trade through all their various operations; the manner of exchanging merchandise for furs and peltries, their purchases and sales, &c., for the purpose of ascertaining where the evil lies—an evil, the existence of which is presented to them in a tangible form, while the cause that produced it remains undiscovered. Private traders, without salaries, or any other support from the Government, have, for many years, carried on a successful and profitable trade with the Indians; and, like the factors, it is believed, they sold for such prices as could be had; generally regulating the prices according to the competition. Perhaps the fault may be found to exist in the system itself; and, therefore, it may be useful, not only as a matter of curious history, but for the lesson it teaches to succeeding legislators. From the accompanying documents, it appears that Mr. Graham has instructed the several agents to sell off, and settle up the whole business, by the — day of May next; and it is believed that the public interest required such delay. Beyond that date, however, it is to be hoped that the Government will have to expend but little in settling up the accounts of the Indian trading establishment.

*Executive Message.**To the House of Representatives of the United States:*

In compliance with a resolution of the House of Representatives of this day, requesting information of the measures taken with regard to the illegal blockade of the ports of the Spanish Main, and to depredations of privateers fitted out from Porto Rico, and other Spanish islands, on the commerce of the United States, I transmit to the House a report from the Secretary of State, containing the information required by the resolution.

JAMES MONROE.

WASHINGTON, March 1, 1823.

DEPARTMENT OF STATE, March 1, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the

United States to communicate to that House, as far as the public interest will permit, what measures have been taken to remove or annul the illegal and pretended blockade of the ports of the Spanish Main; to obtain restitution of vessels of the United States captured by privateers, fitted out in Porto Rico and other Spanish islands, under pretext of breach of the said blockade, and to prevent such illegal and unwarrantable captures hereafter; has the honor of reporting to the President that the measures, taken for the purposes described in the resolution of the House, have consisted, first, of instructions to the commanders of the armed vessels of the United States, successively stationed in the West India seas; and secondly, of instructions to the Minister of the United States, in Spain, to make suitable representations, on these subjects, to the Spanish Government. The direct communications between the naval officers in command of the vessels of the United States, employed in that service, and the Governors of Cuba and of Porto Rico, have been frequent, and successful in obtaining the restitution of some captured vessels. Some of the vessels notorious for outrages committed by them on the commerce of the United States, have been captured and sent into the United States, and are now upon trial before the judicial tribunals. No answers have yet been received to the representations directly ordered to be made to the Government of Spain.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

The Message and report were laid on the table. And then the House adjourned until six o'clock, P. M.

SIX O'CLOCK, P. M., Saturday, March 1.

Spanish Privateers.

The House took up the resolution offered yesterday by Mr. FULLER, as follows:

Resolved, That the President of the United States be requested to communicate to this House, as far as the public interest will permit, what measures have been taken to remove or annul the illegal and pretended blockade of the ports of the Spanish Main; to obtain restitution of vessels of the United States, captured by the privateers fitted out at Porto Rico and other Spanish islands, under pretext of breach of the said blockade; and to prevent such illegal and unwarrantable captures hereafter.

Mr. FULLER said, he regretted that the session was so near a termination, that it would not be possible for Congress to adopt any measure in aid of the Executive, which might be called for by the lawless depredations of the freebooters from Porto Rico, to which the resolution alluded. The blockade was proclaimed many months since, by some Spanish officers, without a semblance of power to enforce it, and with the obvious intent of giving color of right to the indiscriminate plunder of our commerce in those seas.

Privateers had been fitted out at Porto Rico, during the last summer, immediately upon the blockade being announced, and several of our merchant vessels had been captured, sent in, and condemned, or, in one or two instances released, after being first plundered and subjected

* The advance upon goods here spoken of, was charged upon factory goods, purchased with the trading fund, and not upon those supplied by the Superintendent, under orders from the Secretary of War, for the same purposes, and paid for out of the fund appropriated for the Indian Department.

Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Farrelly, Findlay, Forward, Fuller, Gebhard, Gist, Gorham, Govan, Hamilton, Hardin, Hemphill, Herrick, Hill, Hobart, Holcombe, Hubbard, Ingham, Jackson, Jennings, J. S. Johnston, Jones of Tennessee, Kent, Kirkland, Lathrop, Leftwich, Lincoln, Litchfield, Little, McCarty, McCoy, McDuffie, McKim, McLane, McNeill, McSherry, Matlack, Matson, Mattocks, Mercer, Metcalfe, Mitchell of Pennsylvania, Moore of Virginia, Moore of Alabama, Morgan, Murray, Neale, Nelson of Massachusetts, Newton, Patterson of New York, Patterson of Pennsylvania, Phillips, Pearson, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Reed of Massachusetts, Reid of Georgia, Rhea, Rich, Rochester, Rodney, Ross, Ruggles, Ruess, Scott, Sergeant, Sloane, Arthur Smith, Alexander Smyth, W. Smith, J. S. Smith, Sterling of New York, A. Stevenson, J. Stephenson, Stoddard, Swan, Taylor, Thompson, Tod, Tomlinson, Tracy, Udree, Upham, Vance, Van Rensselaer, Van Wyck, Walworth, Warfield, Whipple, White, Williams of Virginia, Williams of North Carolina, Williamson, Wilson, Wood, Woodson, and Wright—181.

NOTES.—Messrs. Alexander, Ball, Burton, Edwards of North Carolina, Floyd, Hall, Hooks, Rankin, and Tattnell—9.

SATURDAY, March 1.

Indian Trading Establishment.

MR. METCALFE, from the Committee on Indian Affairs, to whom was referred the President's communication and accompanying documents, relative to the execution of an act of the last session of Congress, abolishing the Indian trading establishments, made a report thereon, which was ordered to lie on the table. The report is as follows:

The Committee on Indian Affairs, to whom was referred the President's communication and accompanying documents, relative to the execution of an act of the last session, abolishing the Indian trading establishment, have had the same under consideration, and respectfully submit the following report:

In executing the act referred to, it appears that George Graham, Esq., received the appointment of superintendent, in the place of Colonel Thomas L. McKenny; and an agent has also been appointed, and sent to each of the trading-houses, with instructions to receive from the former agents all the goods, and other property on hand, and to dispose of the same as soon as it can be done, having a due regard to the public interest.

The superintendent and agents so appointed, it is believed, are active, intelligent gentlemen, of unexceptionable character, and suitable qualifications. In turning over the merchandise and other property on hand, at the several trading-houses, into the hands of the new agents, the original invoice prices are charged to the Government. Much of the merchandise, so charged, consists of unsalable, damaged, and worthless remnants and articles, now of little or no value. All the debts due to the factories, which have been created and not collected, by the former agents, and also the factory buildings, are charged to the Government.

A. B. Lindsley, the agent appointed to settle up the business of the trading-house at Fort Chicago,

has performed that duty with fidelity, and has returned an account thereof; which is herewith presented to the House.

It will be seen that the whole amount of all the goods and other property at this establishment, at the rates at which the same has been charged to the Government, is \$15,637 62. A great portion of those goods were old, unsalable, and damaged, and, consequently, when sold, there was an average loss to the Government of about fifty-four cents to the dollar.

The whole amount of loss upon the merchandise, at that factory, is \$6,968 37½. An additional loss will be sustained upon debts due the establishment, which are not likely to be collected. This is the only trading-house from which complete returns have been received. Persons who are desirous of purchasing the goods at the Red River factory, offer to pay the original cost and carriage. It is therefore believed that no loss upon the goods received at that trading-house will be sustained by the Government.

In winding up the business at the Choctaw trading-house, a very considerable loss will certainly fall upon the Government. (See Mr. Randall's Return, and remarks upon the Inventory.) From the testimony of Mr. Hersey, the former agent at that place, it appears that not more than one-third of the debts due to that establishment are likely to be collected. The whole amount of debts exceeds \$12,000; and, from the description given of the wretched condition of the merchandise on hand, a great loss upon the sales thereof may be readily anticipated.

The committee do not bring into question the propriety of stating the original invoice prices of the goods, as per inventory, on the delivery thereof into the hands of the new agents; but they believe that, in a final settlement of the accounts between the Government and the former conductors of the trade, the amount actually realized, from the sales of goods and property, of every description, will be the only fair and proper charge in favor of the latter against the former, except for property, if any, destroyed by Indians, during the late war; and debts due from the Indians to the factories, and assumed by the Government.

In 1806, the amount of capital stock, actually drawn from the Treasury, including former appropriations, was \$260,000. On the third of March, 1809, an act passed, allowing an additional appropriation of \$40,000; making, in all, \$300,000—ten thousand of which, the late superintendent states, was never drawn from the Treasury. The whole amount, therefore, of capital stock, thus vested in the Indian trade, must have been \$290,000.

The law positively requires that the "prices of goods supplied to, and to be purchased by, the Indians, shall be regulated in such manner, that the capital stock shall not be diminished."

The superintendent and his clerks, the agents and sub-agents, received annually for their services, not out of the trading fund, but directly from the Treasury, about \$20,000. This sum, with the interest thereupon, and the interest upon the capital stock, which, it is believed, will be equal, in all, to between thirty and forty thousand dollars annually, is entirely lost to the Government.

The ninth section of an act of 1811, to regulate the Indian trade, provides that the superintendent shall purchase such goods as may be required, for In-

MARCH, 1823.]

Spanish Privateers.

[H. OF R.]

dian annuities, for treaties, and for presents, and transmit the same to the proper places. And it appears that the goods furnished by the factories to Indian agents, for the purposes aforesaid, were not limited at cost and carriage, but charged to the Government, at the same rates, as if they had been sold to the Indians; say, at an advance (according to instructions given at the factory), of 66½ to 100 per cent.; and as high as fifty per cent. for goods of inferior quality; and the whole amount, so charged, actually drawn from the Treasury. This appears to be a considerable advance paid by Government for merchandise purchased with its own capital.* It is said that the conductors of the Indian trade were generally men of integrity and honor; not deficient in talent or enterprise, or any of the requisite qualifications for discharging the duties of their respective stations. And how it happens that, under circumstances so advantageous to the traders, the Government should not now be able to realize a sum equal to the original capital stock, appears to be inexplicable. It is not possible for the committee to trace the conductors of this trade through all their various operations; the manner of exchanging merchandise for furs and peltries, their purchases and sales, &c., for the purpose of ascertaining where the evil lies—an evil, the existence of which is presented to them in a tangible form, while the cause that produced it remains undiscovered. Private traders, without salaries, or any other support from the Government, have, for many years, carried on a successful and profitable trade with the Indians; and, like the factors, it is believed, they sold for such prices as could be had; generally regulating the prices according to the competition. Perhaps the fault may be found to exist in the system itself; and, therefore, it may be useful, not only as a matter of curious history, but for the lesson it teaches to succeeding legislators. From the accompanying documents, it appears that Mr. Graham has instructed the several agents to sell off, and settle up the whole business, by the day of May next; and it is believed that the public interest required such delay. Beyond that date, however, it is to be hoped that the Government will have to expend but little in settling up the accounts of the Indian trading establishment.

*Executive Message.**To the House of Representatives of the United States:*

In compliance with a resolution of the House of Representatives of this day, requesting information of the measures taken with regard to the illegal blockade of the ports of the Spanish Main, and to depredations of privateers fitted out from Porto Rico, and other Spanish islands, on the commerce of the United States, I transmit to the House a report from the Secretary of State, containing the information required by the resolution.

JAMES MONROE.

WASHINGTON, March 1, 1823.

DEPARTMENT OF STATE, March 1, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the

United States to communicate to that House, as far as the public interest will permit, what measures have been taken to remove or annul the illegal and pretended blockade of the ports of the Spanish Main; to obtain restitution of vessels of the United States captured by privateers, fitted out in Porto Rico and other Spanish islands, under pretext of breach of the said blockade, and to prevent such illegal and unwarrantable captures hereafter; has the honor of reporting to the President that the measures, taken for the purposes described in the resolution of the House, have consisted, first, of instructions to the commanders of the armed vessels of the United States, successively stationed in the West India seas; and secondly, of instructions to the Minister of the United States, in Spain, to make suitable representations, on these subjects, to the Spanish Government. The direct communications between the naval officers in command of the vessels of the United States, employed in that service, and the Governors of Cuba and of Porto Rico, have been frequent, and successful in obtaining the restitution of some captured vessels. Some of the vessels notorious for outrages committed by them on the commerce of the United States, have been captured and sent into the United States, and are now upon trial before the judicial tribunals. No answers have yet been received to the representations directly ordered to be made to the Government of Spain.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

The Message and report were laid on the table. And then the House adjourned until six o'clock, P. M.

SIX O'CLOCK, P. M., Saturday, March 1.

Spanish Privateers.

The House took up the resolution offered yesterday by Mr. FULLER, as follows:

Resolved, That the President of the United States be requested to communicate to this House, as far as the public interest will permit, what measures have been taken to remove or annul the illegal and pretended blockade of the ports of the Spanish Main; to obtain restitution of vessels of the United States, captured by the privateers fitted out at Porto Rico and other Spanish islands, under pretext of breach of the said blockade; and to prevent such illegal and unwarrantable captures hereafter.

Mr. FULLER said, he regretted that the session was so near a termination, that it would not be possible for Congress to adopt any measure in aid of the Executive, which might be called for by the lawless depredations of the freebooters from Porto Rico, to which the resolution alluded. The blockade was proclaimed many months since, by some Spanish officers, without a semblance of power to enforce it, and with the obvious intent of giving color of right to the indiscriminate plunder of our commerce in those seas.

Privateers had been fitted out at Porto Rico, during the last summer, immediately upon the blockade being announced, and several of our merchant vessels had been captured, sent in, and condemned, or, in one or two instances released, after being first plundered and subjected

* The advance upon goods here spoken of, was charged upon factory goods, purchased with the trading fund, and not upon those supplied by the Superintendent, under orders from the Secretary of War, for the same purposes, and paid for out of the fund appropriated for the Indian Department.

to coast, which required the sacrifice of vessel and cargo. The most notorious of these legalized pirates, the Palmyra or Panchita, was captured by Lieutenant Gregory, of the Grampus, and sent into the port of Charleston for adjudication. This prompt and energetic act, which was supposed to have been in obedience to orders from our Government, and the appearance of the United States ship Cyane, in the port of St. Johns, charged with a strong remonstrance from the President to the Governor of Porto Rico, put an immediate check to these marauding expeditions. But, the Palmyra was released by the court of South Carolina, probably through some defect of the evidence in point of form; for Lieutenant Gregory transmitted several depositions, proving acts of plunder, which would alone have warranted the detention. The moment the release of this vessel was known in Porto Rico, the marauding spirit was in action; and Mr. F. said he had in his possession letters from respectable persons residing in the neighborhood of that Island, stating, that from ten to twenty privateers were despatched, or in preparation to renew their depredations. These letters state the cases of the Essex, Captain Davis, and the Adeline, Captain Babson, as captured so late as the beginning of January. The former had been plundered, her captain and crew grossly abused, and in all respects treated as pirates treat their victims, except, that to plunder and abuse, were added the mockery of a trial in an obscure port, where a person called a judge, had denied to Captain Davis the right to read a paper, or to be even heard in his defence.

Surely, said Mr. F., such outrages call for prompt and vigorous measures; no other can afford any redress, or quiet the apprehension of our merchants and unarmed seamen, and put an end to this system of robbery, in a manner which comports with the safety of our commerce, and the dignity of the nation. He hoped the resolution would be adopted.

The resolution was then agreed to.

Closing Business.

The amendment proposed by the Senate to the bill, entitled "An act making appropriations for the public buildings," was then read; and the question was taken, Will the House concur with the Committee of the Whole on the State of the Union in their disagreement to the said amendment? and was determined in the negative.

The non-concurrence with the Committee of the Whole in their disagreement to the said amendment, was decided by the Speaker as equivalent to the affirmative of a question to concur therein. And so the said amendment was concurred in.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

I transmit to the House of Representatives, in pursuance of a resolution of that House, of the 30th of

January last, a report from the Secretary of State, containing the information required in relation to the transactions of the Commissioners under the 5th and 7th articles of the Treaty of Ghent; and also as to the measures which have been taken under the 4th article of the Treaty with Spain, of the 22d of February, 1819, for fixing the boundary line described in the 3d article of the last mentioned treaty.

JAMES MONROE.

WASHINGTON, Feb. 26, 1822.

The Message and report were laid on the table.

MONDAY, March 8.

Mr. SERGEANT, from the committee appointed on the memorial of the administrators on the estate of John H. Piatt, deceased, made a favorable report thereon; which was ordered to lie on the table.

On motion of Mr. BLACKLEDGE, the Commissioner of the Public Buildings was ordered to furnish such of the rooms in the centre building as shall be finished, for the reception of the Committees of the Eighteenth Congress, and the additional rooms for the Clerk's department; and that the necessary expense be paid out of the contingent fund of the House.

On motion of Mr. HILL, it was ordered that a committee be appointed on the part of this House, jointly with such committee as may be appointed on the part of the Senate, to wait upon the President of the United States, and notify him that, unless he may have other communications to make to the two Houses of Congress, they are ready to adjourn. Mr. HILL and Mr. COLDEN were appointed of the said committee on the part of this House.

Mr. Hill, of Maine, submitted for consideration the following resolution:

Resolved, That the thanks of the House be presented to the Hon. P. P. BARBOUR, for the promptitude, assiduity, and ability, with which he has administered the duties of the Chair during the present session.

Mr. ALLEN, of Massachusetts, suggested the insertion of the word "impartiality," after the word "assiduity;" to which amendment Mr. HILL assented. Thus modified the resolution was unanimously agreed to.

Reorganization of the Courts.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, who were instructed to inquire "whether any, and, if any, what, alterations are necessary to be made in the organization of the courts of the United States, so as more equally to extend their advantages to the several States;" and to whom was also referred the memorial of the Legislature of the State of Indiana upon the same subject, made a report thereon adverse to making the alterations suggested; which report was laid on the table.

It is as follows:

The number of new States admitted into the Union since the Federal Judiciary was first established, and the natural increase of business both in the old and new States, render, in the opinion of the committee,

MARCH, 1823.]

Reorganization of the Courts.

[H. OF R.]

some change, at no very distant period, in the organization of the courts of the United States, highly expedient, if not essential to the due execution of the laws.

The Judiciary system of the United States, as originally established, consisted of one Supreme Court, six circuit courts, and thirteen district courts. The district court was held by one judge in each district; the circuit court was formed by the union of the district judge with one or more of the judges of the Supreme Court; and the Supreme Court itself was composed of a chief justice and five associate judges. The number of the district courts has since been increased to twenty-seven, by the admission of new States into the Union, or the division of the old ones into separate districts; there being two district courts in New York, two in Pennsylvania, two in Virginia, and one in each of the other States. By an act of Congress, passed February 13, 1801, the United States were divided into six circuits, with a circuit court in each, consisting of three judges, who were to hold two terms a year in each district, and were invested with the same general powers and jurisdiction as the former circuit courts possessed. By the same act the sessions of the Supreme Court were, in future, to be held twice a year at the city of Washington; the judges were no longer required to sit in the circuit courts; and their number, on the death or resignation of the judges then on the bench, was to be reduced to five. On the 8th of March, 1802, this act was repealed, and the former system was restored. On the 24th of February, 1807, a new circuit was formed in the Western country, embracing the States of Kentucky, Tennessee, and Ohio; and the number of the judges of the Supreme Court was increased to seven. Since that time, six new States have been admitted into the Union from the West alone; and one has been created in the East, by the separation of Maine from Massachusetts. From the extent of the country, the number of the States, and the increasing mass of business constantly depending in the circuit courts, it was obviously impossible for seven judges to hold two courts annually in each of the twenty-seven judicial districts, into which the United States (exclusive of the Territories) are now divided. The judges of the Supreme Court have not, therefore, been required by law to go into the new Western States; and there are, accordingly, no circuit courts holden in Louisiana, Indiana, Mississippi, Illinois, Alabama, and Missouri, nor in the Territories of Michigan, Arkansas, and Florida. In each of these States and Territories, the district court is vested with, and exercises, the jurisdiction of a circuit court of the United States.

The preceding statement may be considered as presenting a hasty outline of the principal features of the Federal Judiciary, with the most important changes it has successively undergone, but without pretending to notice its minuter variations.

It is understood by the committee that those States which, under the present arrangements, are deprived of the benefits of a circuit court, are desirous, for reasons not deemed necessary here to be enumerated, that such alterations should be made in the existing system as would extend to them the advantages enjoyed by the States where such courts exist. This desire of the new States to be placed upon a footing of equality with the old, in respect to their judicial establishments, so far as these depend upon the United States, appears to the committee just and

reasonable. Nor are there wanting obvious reasons of interest and of policy, operating equally upon the Government and the people, in all parts of the Union, in favor of placing the courts of the United States, wherever they exist, upon the most respectable footing; and of giving them, in every section of the country, in the West as well as in the East, the form and the facilities which may, in each case, enable them best to answer the important objects of their original institution. For this purpose, three different plans have occurred to the committee as among the means most likely to effect this desirable object:

1. To increase the number of circuits to nine, and add two more judges to the Supreme Court.

2. To establish circuit courts throughout the United States, upon a plan similar to that adopted in 1801, but with such modifications as may be found expedient; and to provide for the eventual reduction of the number of judges of the Supreme Court to five.

3. To establish two circuit courts in the Western States, with the same general powers and jurisdiction as are now possessed by the circuit courts of the United States, to which (as in other courts) an appeal should lie from the district courts, and thence, under the ordinary limitations, to the Supreme Court.

Each of these plans possesses some advantages over the others, and is, at the same time, liable to some objections.

1st. In the final decision of judicial questions, a small number of judges, qualified for their station as those of the United States will, we may hope, always be, are likely to prosecute their legal inquiries more thoroughly, come to more correct conclusions, and act with greater impartiality, uniformity, and despatch, than a numerous, and consequently discordant, body can be presumed always to do. In this respect, it is believed that the number of the judges of the Supreme Court, as now constituted, is sufficiently large (if, indeed, it be not already too great) for the convenient despatch of the important business which comes yearly before it.

2d. With respect to the second proposition, it may be remarked, that a similar system having been once adopted, and subsequently abandoned, its re-enactment would probably be opposed, at least till other expedients, promising more favorable results, shall have been first tried.

3d. The institution of two new circuits in the Western States, with one judge in each, who, sitting successively with the district judges in their several districts, should form the circuit court for those districts, would, it is believed, obviate many of the inconveniences arising from the present organization of the courts in that part of the Union; and the same arrangement, if found on trial to answer the purposes designed by it, might, as circumstances required, be extended to other sections of the country, and thus lead, finally, to the adoption of one uniform system of circuit courts throughout the United States. For the purposes of the present experiment, Indiana, Illinois, and Missouri might be conveniently formed into one circuit; and Louisiana, Mississippi, and Alabama into another.

Without going at all into the details of these several plans, or even expressing any decided opinion in favor of either of them, the committee, in obedience to the commands of the House to report on this subject, have thought proper to present it, at this time, in its present form, not with a view to the adoption,

at this session, of any decisive measures in relation to a department of the Government so important as that of the Judiciary, but in hopes that the subject may attract the attention of the country generally, and of those parts of it, in particular, which are more immediately concerned in its investigation; and that the next Congress may be prepared, at an early period, to decide whether any, and if any, what changes are necessary in the organization of the courts of the United States, to enable them more effectually to attain the objects for which they were originally instituted.

The memorial from the Legislature of Indiana requests either that Congress would organize a new circuit, of which that State should form a part; or that she may be attached to the Western circuit, consisting, at present, of Ohio, Kentucky, and Tennessee. The first of these requests would be substantially complied with by the adoption of either of the above plans suggested by the committee. The other alternative presented by the Legislature of Indiana is attended with some difficulty. There is, at present, but one judge of the Supreme Court in the Western States; and it is understood by the committee that the terms which he is now by law required to hold, together with his attendance, annually, at the Seat of Government, as a member of the Supreme Court, occupy his time and attention so exclusively, as to render it improper that any additional duties should be imposed upon him.

The committee, therefore, ask to be discharged from the further consideration of the resolution and memorial referred to them by the House.

Close of the Session.

A Message from the Senate informed the House that the Senate have concurred in the resolution for the appointment of a joint committee to wait on the President of the United States, and notify him that, unless he may have other communications to make to the two Houses of Congress, they are ready to adjourn; and they have appointed a committee on their part.

Mr. HILL, from the joint committee last mentioned, reported that the committee had waited on the President of the United States, and informed him that, unless he might have other communications to make to the two Houses of Congress, they are ready to adjourn; and that they received from the President for answer, that he had no further communications to make to Congress.

It was then ordered, that a message be sent to the Senate, to inform that body that this House, having completed the legislative business before it, is now ready to adjourn; and that the Clerk do go with the said message.

The Clerk having delivered the said message, and being returned—

A message was received from the Senate notifying the House that the Senate, having completed the Legislative business before them, are ready, by an adjournment, to close the present session of Congress.

And thereupon—

The SPEAKER (Mr. BARBOUR) rose from his Chair, and addressed the House as follows:

To receive the approbation of our country is at all times the highest reward which can be bestowed upon a citizen in the public service; to receive the expression of that approbation from the representatives of the people, with whom it has been my fortune to act, gives to it, in my estimation, an increased degree of interest; but when, in addition to this, I recollect that this is the second occasion in which I have received this high mark of confidence from the same House of Representatives; from gentlemen with whom, for two successive sessions, I have been associated in legislation; it inspires me with the deepest sense of gratitude. I have nothing to offer you but my sincere thanks in return for this renewed evidence of your good opinion, as well as for the kind indulgence with which you have supported me in the discharge of my official duties. There are few stations in civil life of a character either more important or more difficult than that of the presiding officer of this House. On your deliberations essentially depend the prosperity of this extensive and extending Confederacy. In their progress the most novel and perplexing questions are frequently presented for the instantaneous decision of your Speaker; and the duties which, in general, appertain to his office, involve, in themselves, the highest degree of responsibility. In such a situation to be able to command success, is the attribute of no man; to endeavor to deserve it, is within the reach of all; that endeavor I am conscious of having earnestly made; and, to the pleasure arising from that consciousness, the resolution which you have just passed, adds the gratification of believing that my efforts, in this respect, have not been altogether fruitless.

We are now, gentlemen, about to close the labors of the Seventeenth Congress. I trust that, upon a review of its measures, it will be found by our constituents that, however we may have differed in opinion in relation to the means, we have all had in view one great, one common end—the promotion of the general welfare.

We are soon, gentlemen, about to separate; many of you, perhaps, I may never meet again. May you long live to enjoy the rewards of your past service, and to render others to a grateful country.

A motion was then made that the House do now adjourn, and the question being put, it was carried in the affirmative; and thereupon, the SPEAKER adjourned the House *sine die*.

DECEMBER, 1828.]

Proceedings.

[SENATE.]

EIGHTEENTH CONGRESS.—FIRST SESSION.

BEGUN AT THE CITY OF WASHINGTON, DECEMBER 1, 1828.

PROCEEDINGS IN THE SENATE.*

MONDAY, December 1, 1828.

The first session of the Eighteenth Congress, conformably to the Constitution of the United States, commenced this day at the city of Washington, and the Senate assembled.

PRESENT :

SAMUEL BELL and JOHN F. PARROTT, from New Hampshire.

JAMES LLOYD, from Massachusetts.

HENRY W. EDWARDS and JAMES LANMAN, from Connecticut.

NEHEMIAH R. KNIGHT, from Rhode Island.

WILLIAM A. PALMER and HORATIO SEYMOUR, from Vermont.

RUFUS KING and MARTIN VAN BUREN, from New York.

MAHLON DICKERSON and JOSEPH MOLLYVAINE, from New Jersey.

WALTER LOWRIE and WILLIAM FINDLAY, from Pennsylvania.

SAMUEL SMITH, from Maryland.

JAMES BARBOUR, from Virginia.

NATHANIEL MACON, from North Carolina.

JOHN GAILLARD and ROBERT Y. HAYNE, from South Carolina.

JOHN ELLIOTT, from Georgia.

ISAHAM TALBOT, from Kentucky.

BENJAMIN RUGGLES, from Ohio.

JAMES BROWN and HENRY JOHNSON, from Louisiana.

DAVID HOLMES, from Mississippi.

JAMES NOBLE and WALLER TAYLOR, from Indiana.

JESSE B. THOMAS, from Illinois.

JOHN CHANDLER and JOHN HOLMES, from Maine.

DAVID BARTON and THOMAS H. BENTON, from Missouri.

JOHN GAILLARD, President *pro tempore*, resumed the Chair.

SAMUEL BELL, appointed a Senator by the Legislature of the State of New Hampshire, for the term of six years, commencing on the fourth day of March last; HENRY W. EDWARDS, appointed a Senator by the Executive of the State of Connecticut, in the place of ELIJAH BOARDMAN, deceased; JAMES LLOYD, appointed a Senator by the Legislature of Massachusetts, for the term of six years, commencing on the fourth day of March last; JOSEPH MOLLYVAINE, appointed a Senator by the Legislature of the State of New Jersey, to supply the vacancy occasioned by the resignation of SAMUEL L. SOUTHAARD; ROBERT Y. HAYNE, appointed a Senator by the Legislature of the State of South Carolina, for the term of six years, commencing on the fourth day of March last; HENRY JOHNSON, appointed a Senator by the Legislature of the State of Louisiana, for the term of six years, commencing on the fourth day of March last; and JESSE B. THOMAS, appointed a Senator by the Legislature of the State of Illinois, for the term of six years, commencing on the fourth day of March last,—respectively produced their credentials, which were read; and the oath prescribed by law was administered to them, and they took their seats in the Senate.

*LIST OF MEMBERS OF THE SENATE

Maine.—John Chandler, John Holmes.

New Hampshire.—Samuel Bell, John F. Parrott.

Massachusetts.—James Lloyd, Elijah Hunt Mills.

Connecticut.—Henry W. Edwards, James Lanman.

Rhode Island.—James D'Wolf, Nehemiah R. Knight.

Vermont.—William A. Palmer, Horatio Seymour.

New York.—Rufus King, Martin Van Buren.

New Jersey.—Mahlon Dickerson, James Mollyvaire.

Pennsylvania.—Walter Lowrie, William Findlay.

Delaware.—Nicholas Van Dyke, Thomas Clayton.

Maryland.—Edward Lloyd, Samuel Smith.

VOL. VII.—30

Virginia.—James Barbour, Littleton W. Tazewell.

North Carolina.—Nathaniel Macon, John Branch.

South Carolina.—John Gaillard, Robert Y. Hayne.

Georgia.—John Elliott, Thomas W. Cobb.

Kentucky.—Richard M. Johnson, Isham Talbot.

Tennessee.—Andrew Jackson, John Henry Eaton.

Ohio.—Benjamin Ruggles, Ethan A. Brown.

Louisiana.—Josiah S. Johnston, Dominique Bouligny.

Indiana.—James Noble, Waller Taylor.

Mississippi.—Thomas H. Williams, David Holmes.

Illinois.—Jesse B. Thomas, John McLean.

Alabama.—William R. King, William Kelly.

Missouri.—David Barton, Thomas H. Benton.

SENATE.]

President's Message.

[DECEMBER, 1823.]

The credentials of THOMAS H. WILLIAMS, appointed a Senator by the Legislature of the State of Mississippi, for the term of six years, commencing on the fourth day of March last, were read.

The oath was also administered to Mr. CHANDLER, Mr. KNIGHT, and Mr. DICKERSON—their credentials having been read and filed during the last session.

Messrs. BARBOUR and MACON were appointed a committee, jointly, with such as the House may appoint, to wait upon the President of the United States, and inform him of the organization of the two Houses, and of their readiness to receive any communication from him; and then the Senate adjourned to 11 o'clock to-morrow.

TUESDAY, December 2.

EDWARD LLOYD, from the State of Maryland; and, also, ETHAN ALLEN BROWN, from the State of Ohio, severally attended.

JOHN BRANCH, appointed a Senator by the Legislature of the State of North Carolina, for the term of six years, commencing on the fourth day of March last, produced his credentials, which were read, and the oath prescribed by law was administered to him; and the oath was also administered to Mr. WILLIAMS, whose credentials were read yesterday; and they took their seats in the Senate.

Mr. BARBOUR, of the joint committee appointed to wait upon the PRESIDENT, and inform him of the organization of the two Houses, and their readiness to receive any communication from him, reported, that the committee had attended to the duties assigned them; and that the President was pleased to say, that he would communicate with the two Houses, by Message, this day.

On motion of Mr. CHANDLER, it was agreed that the Senate will meet at twelve o'clock on each day of its session, until otherwise ordered.

Mr. LANMAN submitted the following resolution for consideration:

Resolved, That Mountjoy Bayly, Doorkeeper and Sergeant-at-Arms to the Senate, be, and he hereby is, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper of the Senate, which expense shall be paid out of the contingent fund.

The resolution was read twice by unanimous consent, and considered as in Committee of the Whole; and on the question, "Shall this resolution be engrossed and read a third time?" it was determined in the affirmative.

Revolutionary Pensioners, &c.

The following communications, received from the Secretary of War, were read, and ordered, with the accompanying papers, to be printed:

WAR DEPARTMENT, December 1, 1823.

SIR: Agreeably to the resolution of the Senate of the United States, passed on the 1st of March last,

directing the Secretary of War to report, during the first week of the present session of Congress, the number of Revolutionary pensioners in each State, at this time on the list, and the amount of money received or receivable in each State, on account of Revolutionary pensioners, I herewith transmit a statement showing the number of such pensioners in each State and Territory of the United States, and the sum receivable annually in each on account of said pensioners.

I have the honor to be, &c.,

J. C. CALHOUN.

Hon. J. GAILLARD,

President, pro tem., Senate, U. S.

Statement of the number of Pensioners, and the sum, receivable by them in the several States and Territories, as follows:

Maine	-	-	-	1,208	\$123,024
New Hampshire	-	-	-	836	85,584
Massachusetts	-	-	-	1,677	175,680
Connecticut	-	-	-	859	87,504
Rhode Island	-	-	-	245	26,688
Vermont	-	-	-	1,000	102,912
New York	-	-	-	2,948	302,448
New Jersey	-	-	-	423	44,208
Pennsylvania	-	-	-	947	98,688
Delaware	-	-	-	27	2,736
Maryland	-	-	-	222	23,184
Virginia	-	-	-	667	67,200
North Carolina	-	-	-	286	23,520
South Carolina	-	-	-	111	11,232
Georgia	-	-	-	42	4,608
Kentucky	-	-	-	452	46,704
East Tennessee	-	-	-	96	9,504
West Tennessee	-	-	-	111	11,520
Ohio	-	-	-	661	67,776
Louisiana	-	-	-	8	288
Indiana	-	-	-	106	10,464
Illinois	-	-	-	14	1,344
Missouri	-	-	-	7	816
Alabama	-	-	-	9	1,008
Mississippi	-	-	-	8	912
Michigan	-	-	-	8	912
Columbia	-	-	-	38	4,324
Total	.	.	.	18,961	\$1,334,788

President's Message.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Fellow-citizens of the Senate and

House of Representatives:

Many important subjects will claim your attention during the present session, of which I shall endeavor to give, in aid of your deliberations, a just idea in this communication. I undertake this duty with diffidence, from the vast extent of the interests on which I have to treat, and of their great importance to every portion of our Union. I enter on it with zeal, from a thorough conviction that there never was a period, since the establishment of our Revolution, when, regarding the condition of the civilized world, and its bearing on us, there was greater necessity for devotion in the public servants to their respective duties, or for virtue, patriotism, and union, in our constituents.

Meeting in you a new Congress, I deem it proper

DECEMBER, 1823.]

President's Message.

[SENATE.]

to present this view of public affairs in greater detail than might otherwise be necessary. I do it, however, with peculiar satisfaction, from a knowledge that, in this respect, I shall comply more fully with the sound principles of our Government. The people being with us exclusively the sovereign, it is indispensable that full information be laid before them on all important subjects, to enable them to exercise that high power with complete effect. If kept in the dark, they must be incompetent to it. We are all liable to error, and those who are engaged in the management of public affairs are more subject to excitement, and to be led astray by their particular interests and passions, than the great body of our constituents, who, living at home, in the pursuit of their ordinary avocations, are calm but deeply interested spectators of events, and of the conduct of those who are parties to them. To the people, every department of the Government, and every individual in each, are responsible, and the more full their information, the better they can judge of the wisdom of the policy pursued, and of the conduct of each in regard to it. From their dispassionate judgment, much aid may always be obtained, while their approbation will form the greatest incentive, and most gratifying reward, for virtuous actions, and the dread of their censure the best security against the abuse of their confidence. Their interests, in all vital questions, are the same, and the bond by sentiment, as well as by interest, will be proportionably strengthened as they are better informed of the real state of public affairs, especially in difficult conjunctures. It is by such knowledge that local prejudices and jealousies are surmounted, and that a national policy, extending its fostering care and protection to all the great interests of our Union, is formed and steadily adhered to.

A precise knowledge of our relations with foreign powers, as respects our negotiations and transactions with each, is thought to be particularly necessary. Equally necessary is it, that we should form a just estimate of our resources, revenue, and progress in every kind of improvement connected with the national prosperity and public defence. It is by rendering justice to other nations, that we may expect it from them. It is by our ability to resent injuries, and redress wrongs, that we may avoid them.

The commissioners under the fifth article of the Treaty of Ghent, having disagreed in their opinions respecting that portion of the boundary between the territories of the United States and of Great Britain, the establishment of which had been submitted to them, have made their respective reports, in compliance with that article, that the same might be referred to the decision of a friendly power. It being manifest, however, that it would be difficult, if not impossible, for any power to perform that office without great delay and much inconvenience to itself, a proposal has been made by this Government, and acceded to by that of Great Britain, to endeavor to establish that boundary by amicable negotiation. It appearing, from long experience, that no satisfactory arrangement could be formed of the commercial intercourse between the United States and the British colonies in this hemisphere, by legislative acts, while each party pursued its own course, without agreement or concert with the other, a proposal has been made to the British Government to regulate this commerce by treaty, as it has been to arrange, in like manner, the just claim of the citizens of the United

States inhabiting the States and Territories bordering on the lakes and rivers which empty into the St. Lawrence, to the navigation of that river to the ocean. For these and other objects, of high importance to the interests of both parties, a negotiation has been opened with the British Government which, it is hoped, will have a satisfactory result.

The commissioners under the sixth and seventh articles of the Treaty of Ghent, having successfully closed their labors in relation to the sixth, have proceeded to the discharge of those relating to the seventh. Their progress in the extensive survey, required for the performance of their duties, justifies the presumption that it will be completed in the ensuing year.

The negotiation which had been long depending with the French Government on several important subjects, and particularly for a just indemnity for losses sustained in the late wars by the citizens of the United States, under unjustifiable seizures and confiscations of their property, has not, as yet, had the desired effect. As this claim rests on the same principle with others which have been admitted by the French Government, it is not perceived on what just ground it can be rejected. A Minister will be immediately appointed to proceed to France, and resume the negotiation on this and other subjects which may arise between the two nations.

At the proposal of the Russian Imperial Government, made through the Minister of the Emperor residing here, a full power and instructions have been transmitted to the Minister of the United States at St. Petersburg, to arrange, by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power.

Since the close of the last session of Congress, the commissioners and arbitrators for ascertaining and determining the amount of indemnification which may be due to citizens of the United States, under the decision of His Imperial Majesty the Emperor of Russia, in conformity to the convention concluded at St. Petersburg, on the twelfth of July, one thousand eight hundred and twenty-two, have assembled in this city, and organized themselves as a board for the performance of the duties assigned to them by that treaty. The commission constituted under the eleventh article of the treaty of twenty-second February, one thousand eight hundred and nineteen, between the United States and Spain, is also in session here; and as the term of three years, limited by the treaty for the execution of the trust, will expire before the period of the next regular meeting of Congress, the attention of the Legislature will be drawn

SENATE.]

President's Message.

[DECEMBER, 1823.]

to the measures which may be necessary to accomplish the objects for which the commission was instituted.

In compliance with a resolution of the House of Representatives, adopted at their last session, instructions have been given to all the Ministers of the United States accredited to the powers of Europe and America, to propose the proscription of the African slave trade, by classing it under the denomination, and inflicting on its perpetrators the punishment of piracy. Should this proposal be acceded to, it is not doubted that this odious and criminal practice will be promptly and entirely suppressed. It is earnestly hoped that it will be acceded to, from a firm belief that it is the most effectual expedient that can be adopted for the purpose.

At the commencement of the recent war between France and Spain, it was declared by the French Government that it would grant no commission to privateers, and that neither the commerce of Spain herself, nor of neutral nations, should be molested by the naval force of France, except in the breach of a lawful blockade. This declaration, which appears to have been faithfully carried into effect, concurring with principles proclaimed and cherished by the United States, from the first establishment of their independence, suggested the hope that the time had arrived when the proposal for adopting it as a permanent and invariable rule in all future maritime wars might meet the favorable consideration of the great European powers. Instructions have accordingly been given to our Ministers with France, Russia, and Great Britain, to make those proposals to their respective Governments; and, when the friends of humanity reflect on the essential amelioration to the condition of the human race, which would result from the abolition of private war on the sea, and on the great facility by which it might be accomplished, requiring only the consent of a few sovereigns, an earnest hope is indulged that these overtures will meet with an attention, animated by the spirit in which they were made, and that they will ultimately be successful.

The Minister appointed to Spain proceeded, soon after his appointment, for Cadiz, the residence of the sovereign to whom he was accredited. In approaching that port, the frigate which conveyed him was warned off by the commander of the French squadron, by which it was blockaded, and not permitted to enter, although apprised, by the captain of the frigate, of the public character of the person whom he had on board, the landing of whom was the sole object of his proposed entry. This act, being considered an infringement of the rights of ambassadors and of nations, will form a just cause of complaint to the Government of France, against the officer by whom it was committed.

The actual condition of the public finances more than realizes the favorable anticipations that were entertained of it at the opening of the last session of Congress. On the first of January there was a balance in the Treasury of four millions two hundred and thirty-seven thousand four hundred and twenty-seven dollars and fifty-five cents. From that time to the thirtieth of September, the receipts amounted to upwards of sixteen millions one hundred thousand dollars, and the expenditures to eleven millions four hundred thousand dollars. During the fourth quarter of the year, it is estimated that the receipts will at least equal the expenditures, and that there will

remain in the Treasury, on the first day of January next, a surplus of nearly nine millions of dollars.

On the first of January, eighteen hundred and twenty-five, a large amount of the war debt, and a part of the Revolutionary debt, become redeemable. Additional portions of the former will continue to become redeemable, annually, until the year eighteen hundred and thirty-five. It is believed, however, that, if the United States remain at peace, the whole of that debt may be redeemed by the ordinary revenue of those years, during that period, under the provision of the act of March third, eighteen hundred and seventeen, creating the Sinking Fund; and in that case the only part of the debt that will remain, after the year eighteen hundred and thirty-five, will be the seven millions of five per cent. stock subscribed to the Bank of the United States, and the three per cent. Revolutionary debt, amounting to thirteen millions two hundred and ninety-six thousand and ninety-nine dollars and six cents, both of which are redeemable at the pleasure of the Government.

The state of the Army, and its organization and discipline, has been gradually improving for several years, and has now attained a high degree of perfection. The military disbursements have been regularly made, and the accounts regularly and promptly rendered for settlement. The supplies of various descriptions have been of good quality, and regularly issued at all of the posts. A system of economy and accountability has been introduced into every branch of the service, which admits of little additional improvement. This desirable state has been attained by the act reorganizing the staff of the Army, passed on the fourteenth of April, eighteen hundred and eighteen.

The moneys appropriated for fortifications have been regularly and economically applied, and all the works advanced as rapidly as the amount appropriated would admit. Three important works will be completed in the course of the year; that is, Fort Washington, Fort Delaware, and the fort at the Rigoles, in Louisiana.

The Board of Engineers, and the Topographical corps, have been in constant and active service, in surveying the coast, and projecting the works necessary for its defence.

The Military Academy has attained a degree of perfection in its discipline and instruction, equal, it is believed, to any institution of its kind in any country.

The money appropriated for the use of the Ordnance Department has been regularly and economically applied. The fabrication of arms at the national armories, and by contract with the department, has been gradually improving in quality and cheapness. It is believed that their quality is now such as to admit of but little improvement.

The completion of the fortifications renders it necessary that there should be a suitable appropriation for the purpose of fabricating the cannon and carriages necessary for those works.

Under the appropriation of five thousand dollars for exploring the Western waters for the location of a site for a Western armory, a commission was instituted, consisting of Colonel McRee, Colonel Lee, and Captain Talcott, who have been engaged in exploring the country. They have not yet reported the result of their labors, but it is believed that they will be prepared to do it at an early part of the session of Congress.

DECEMBER, 1823.]

President's Message.

[SENATE.]

During the month of June last, General Ashley and his party, who were trading under a license from the Government, were attacked by the Ricarees while peaceably trading with the Indians, at their request. Several of the party were killed and wounded, and their property taken or destroyed.

Colonel Leavenworth, who commanded Fort Atkinson, at the Council Bluffs, the most western post, apprehending that the hostile spirit of the Ricarees would extend to other tribes in that quarter, and that thereby the lives of the traders on the Missouri, and the peace of the frontier, would be endangered, took immediate measures to check the evil.

With a detachment of the regiment stationed at the Bluffs, he successfully attacked the Ricaree village, and it is hoped that such an impression has been made on them, as well as on the other tribes on the Missouri, as will prevent a recurrence of future hostility.

The report of the Secretary of War, which is herewith transmitted, will exhibit, in greater detail, the condition of the department in its various branches, and the progress which has been made in its administration, during the three first quarters of the year.

The report of the Secretary of the Navy, which is now communicated, furnishes an account of the administration of that department, for the three first quarters of the present year, with the progress made in augmenting the Navy, and the manner in which the vessels in commission have been employed.

The usual force has been maintained in the Mediterranean Sea, the Pacific Ocean, and along the Atlantic coast, and has afforded the necessary protection to our commerce in those seas.

In the West Indies and the Gulf of Mexico our naval force has been augmented, by the addition of several small vessels, provided for by the "act authorizing an additional naval force for the suppression of piracy," passed by Congress at their last session. That armament has been eminently successful in the accomplishment of its object. The piracies by which our commerce in the neighborhood of the Island of Cuba had been afflicted, have been repressed, and the confidence of our merchants, in a great measure, restored.

The patriotic zeal and enterprise of Commodore Porter, to whom the command of the expedition was confided, has been fully seconded by the officers and men under his command. And, in reflecting with high satisfaction on the honorable manner in which they have sustained the reputation of their country and its navy, the sentiment is alloyed only by a concern, that, in the fulfilment of that arduous service, the diseases incident to the season, and to the climate in which it was discharged, have deprived the nation of many useful lives, and among them of several officers of great promise.

Although our expedition, co-operating with an invigorated administration of the government of the Island of Cuba, and with the corresponding active exertions of a British naval force in the same seas, have almost entirely destroyed the unlicensed piracies from that island, the success of our exertions has not been equally effectual to suppress the same crime under other pretences and colors, in the neighboring island of Porto Rico. They have been committed

there under the abusive issue of Spanish commissions. At an early period of the present year, remonstrances were made to the Governor of that island, by an agent who was sent for the purpose, against those outrages on the peaceful commerce of the United States, of which many had occurred. That officer, professing his own want of authority to make satisfaction for our just complaints, answered only by a reference of them to the Government of Spain. The Minister of the United States to that Court was specially instructed to urge the necessity of the immediate and effectual interposition of that Government, directing restitution and indemnity for wrongs already committed, and interdicting the repetition of them. The Minister, as has been seen, was debarred access to the Spanish Government, and, in the mean time, several new cases of flagrant outrage have occurred, and citizens of the United States in the Island of Porto Rico have suffered, and others been threatened with assassination, for asserting their unquestionable rights, even before the lawful tribunal of the country.

The usual orders have been given to all our public ships to seize American vessels engaged in the slave trade, and bring them in for adjudication; and I have the gratification to state, that not one so employed has been discovered, and there is good reason to believe that our flag is now seldom, if at all, disgraced by that traffic.

It is a source of great satisfaction that we are always enabled to recur to the conduct of our navy with pride and commendation. As a means of national defence it enjoys the public confidence, and is steadily assuming additional importance. It is submitted, whether a more efficient and equally economical organization of it might not, in several respects, be effected. It is supposed that higher grades than now exist by law, would be useful. They would afford well-merited rewards to those who have long and faithfully served their country; present the best incentives to good conduct, and the best means of insuring a proper discipline; destroy the inequality in that respect between military and naval services; and relieve our officers from many inconveniences and mortifications, which occur when our vessels meet those of other nations—ours being the only service in which such grades do not exist.

A report of the Postmaster-General, which accompanies this communication, will show the present state of the Post Office Department, and its general operations for some years past.

A revision of some parts of the post office law may be necessary; and it is submitted, whether it would not be proper to provide for the appointment of postmasters, where the compensation exceeds a certain amount, by nomination to the Senate, as other officers of the General Government are appointed.

Having communicated my views to Congress, at the commencement of the last session, respecting the encouragement which ought to be given to our manufactures, and the principle on which it should be founded, I have only to add, that those views remain unchanged, and that the present state of those countries with which we have the most immediate political relations, and greatest commercial intercourse, tends to confirm them. Under this impression, I recommend a review of the tariff, for the purpose of affording such additional protection to those articles which we are prepared to manufacture, or which are

more immediately connected with the defence and independence of the country.

The actual state of the public accounts furnishes additional evidence of the efficiency of the present system of accountability, in relation to the public expenditure. Of the moneys drawn from the Treasury, since the fourth of March, one thousand eight hundred and seventeen, the sum remaining unaccounted for, on the thirtieth of September last, is more than a million and a half of dollars less than on the thirtieth of September preceding; and during the same period, a reduction of nearly a million of dollars has been made in the amount of the unsettled accounts for moneys advanced previously to the fourth of March, one thousand eight hundred and seventeen. It will be obvious that, in proportion as the mass of accounts of the latter description is diminished, by settlement, the difficulty of settling the residue is increased, from the consideration that, in many instances, it can be obtained only by legal process. For more precise details on this subject, I refer to a report from the First Comptroller of the Treasury.

The sum which was appropriated at the last session, for the repair of the Cumberland road, has been applied with good effect to that object. A final report has not been received from the agent who was appointed to superintend it. As soon as it is received, it shall be communicated to Congress.

Many patriotic and enlightened citizens, who have made the subject an object of particular investigation, have suggested an improvement of still greater importance. They are of opinion that the waters of the Chesapeake and Ohio may be connected together, by one continued canal, and at an expense far short of the value and importance of the object to be obtained. If this could be accomplished, it is impossible to calculate the beneficial consequences which would result from it. A great portion of the produce of the very fertile country through which it will pass, would find a market through that channel. Troops might be moved with great facility in war, with cannon, and every kind of munition, and in either direction. Connecting the Atlantic with the Western country, in a line passing through the Seat of the National Government, it would contribute essentially to strengthen the bond of union itself. Believing, as I do, that Congress have the right to appropriate money for such a national object, (the jurisdiction remaining to the States through which the canal would pass,) I submit it to your consideration whether it may not be advisable to authorize, by an adequate appropriation, the employment of a suitable number of the officers of the corps of engineers, to examine the unexplored ground, during the next session, and to report their opinion thereon. It will likewise be proper to extend their examination to the several routes through which the waters of the Ohio may be connected, by canals, with those of Lake Erie.

A strong hope has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers, which might, ere this, have overwhelmed any other people. The ordinary calculations of interest, and of acquisition, with a view to aggrandizement, which mingle

so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation. That she may obtain that rank, is the object of our most ardent wishes.

It was stated at the commencement of the last session, that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked, that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly, in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded, or seriously menaced, that we resent injuries, or make preparation for our defence. With the movements in this hemisphere, we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different, in this respect, from that of America. This difference proceeds from that which exists in their respective Governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers, to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies of any European power, we have not interfered, and shall not interfere. But, with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States. In the war between those new Governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur, which, in the judgment of the competent authorities of this Government, shall make a corresponding change, on the part of the United States, indispensable to their security.*

* This paragraph, the latter part of it, commencing at, "We owe it, therefore, to candor, to declare," &c., contains the doctrine so much quoted then, and since, as the "Monroe doctrine;" and the extent and nature of which has been so greatly misunderstood. It has been generally regarded as promising a sort of political protection, or guardianship of the two Americas—the United States to stand guard over the New World, and repulse all intrusive col-

DECEMBER, 1823.]

President's Message.

[SENATE.]

If we compare the present condition of our Union, with its actual state at the close of our Revolution, the history of the world furnishes no example of a progress, in improvement in all the important circumstances which constitute the happiness of a nation, which bears any resemblance to it. At the first epoch, our population did not exceed three millions. By the last census, it amounted to about ten millions, and, what is more extraordinary, it is almost alto-

gether native; for the emigration from other countries has been inconsiderable. At the first epoch, half the territory within our acknowledged limits was uninhabited and a wilderness. Since then, new territory has been acquired, of vast extent, comprising within it many rivers, particularly the Mississippi, the navigation of which to the ocean was of the highest importance to the original States. Over this territory, our population has expanded in every direction, and new States have been established, almost equal in number to those which formed the first bond of our Union. This expansion of our population, and accession of new States to our Union, have had the happiest effect on all its highest interests. That it has eminently augmented our resources, and added to our strength and respectability as a power, is admitted by all. But it is not in these important circumstances only that this happy effect is felt. It is manifest that, by enlarging the basis of our system, and increasing the number of States, the system itself has been greatly strengthened in both its branches. Consolidation and disunion have thereby been rendered equally impracticable. Each Government, confiding in its own strength, has less to apprehend from the other; and, in consequence, each enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted. It is unnecessary to treat, here, of the vast improvement made in the system itself, by the adoption of this constitution, and of its happy effect in elevating the character, and in protecting the rights of the nation, as well as of individuals. To what then do we owe these blessings? It is known to all that we derive them from the excellence of our institutions. Ought we not then to adopt every measure which may be necessary to perpetuate them? JAMES MONROE.

WASHINGTON, December 2, 1823.

The Message and accompanying documents were read, and, on motion by Mr. HOLMES, of Maine, fifteen hundred copies thereof, and fifteen hundred additional copies of the Message, were ordered to be printed for the use of the Senate.

WEDNESDAY, December 8.

The resolution authorizing Mountjoy Bayly to employ an assistant and horses for the use of the Senate, was read a third time and passed.

any such enterprise, but that each should use its own means, within its own borders, for its own exemption from European colonial intrusion. And this was in exact conformity to an early and cherished policy, enunciated by Washington, and sanctioned by the public sentiment of two generations: "*No entangling alliances.*"

The occasion for the Monroe declaration was this: Four of the powers which overthrew the great Emperor, Napoleon the First, to wit: Russia, Austria Prussia, France, constituting themselves a "Holy Alliance," for the maintenance of the order of things which they had established in Europe, took it under advisement to extend their care to the young American Republics of Spanish origin, and to convert them into monarchies, to be governed by sovereigns of European stocks—such as the Holy Allies should put upon him. It was against the extension of this European system to the two Americas, that Mr. Monroe protested; and being joined in that protest by Great Britain, the project of the allies was given up.

ists from its shores. Nothing could be more erroneous, or more at war with our established principles of non-interference with other nations. The declaration itself did not import any such high mission, and responsible attitude for the United States: it went no further than to declare, that any European interference to control the destiny of the new American States, would be considered as the manifestation of an unfriendly spirit towards the United States. This was very far from being a pledge to take up arms in defence of the invaded American States; and the person of all others, after Mr. Monroe himself, and hardly less authoritative on this point—Mr. Adams, his successor in the presidency—has given the exact and whole extent of what was intended by the declaration. It was simply to establish a union of sentiment on this point among all the States of the two Americas; leaving each State to guard its territories by its own means, without any obligation on the part of the United States to engage in their defence. It was in the year 1823, when Mr. Adams had become President, and had instituted the mission to the Congress of the Spanish American States on the Isthmus of Panama, that he gave this authoritative exposition of the scope and extent of the Monroe doctrine. One of the subjects with which the United States ministers to that Congress were charged, was to prevail upon them to adopt this doctrine as a cardinal point in their policy; and, in presenting this subject to them, it was natural and right that he should let them know precisely to what they engaged themselves, and what they were, or were not, to expect from the United States, in the event of adopting it. This very proper information was communicated in these words: "An agreement between all the parties represented at the meeting, that each will guard, by its own means, against the establishment of any future European colony within its borders, may be found advisable. This was, more than two years since, announced by my predecessor to the world, as a principle resulting from the emancipation of both the American continents. It may be so developed to the new Southern nations, that they may feel it as an essential appendage to their independence." These were the words of Mr. Adams, who had been a member of Mr. Monroe's cabinet, and filling the department from which the doctrine would emanate—written at a time when the enunciation of it was still fresh, and when he himself, in a communication to the American Senate, was laying it down for the adoption of all the American nations in a general Congress of their deputies. The circumstances of this communication render it incredible that he could be deceived in his understanding of this impressive doctrine; and, according to him, this Monroe doctrine—(under which it has been of late supposed that the United States were to stand guard over the two Americas, and repulse all intrusive European colonies from their shores)—was entirely confined to our own borders: that it was only proposed to get the other States of the New World to agree that, each for itself, and by its own means, it should guard its own territories: and, consequently, that the United States, so far from extending gratuitous protection to the territories of other States, would not commit itself either to give, or receive aid, in

gether native; for the emigration from other countries has been inconsiderable. At the first epoch, half the territory within our acknowledged limits was uninhabited and a wilderness. Since then, new territory has been acquired, of vast extent, comprising within it many rivers, particularly the Mississippi, the navigation of which to the ocean was of the highest importance to the original States. Over this territory, our population has expanded in every direction, and new States have been established, almost equal in number to those which formed the first bond of our Union. This expansion of our population, and accession of new States to our Union, have had the happiest effect on all its highest interests. That it has eminently augmented our resources, and added to our strength and respectability as a power, is admitted by all. But it is not in these important circumstances only that this happy effect is felt. It is manifest that, by enlarging the basis of our system, and increasing the number of States, the system itself has been greatly strengthened in both its branches. Consolidation and disunion have thereby been rendered equally impracticable. Each Government, confiding in its own strength, has less to apprehend from the other; and, in consequence, each enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted. It is unnecessary to treat, here, of the vast improvement made in the system itself, by the adoption of this constitution, and of its happy effect in elevating the character, and in protecting the rights of the nation, as well as of individuals. To what then do we owe these blessings? It is known to all that we derive them from the excellence of our institutions. Ought we not then to adopt every measure which may be necessary to perpetuate them? JAMES MONROE.

WASHINGTON, December 2, 1823.

The Message and accompanying documents were read, and, on motion by Mr. HOLMES, of Maine, fifteen hundred copies thereof, and fifteen hundred additional copies of the Message, were ordered to be printed for the use of the Senate.

WEDNESDAY, December 8.

The resolution authorizing Mountjoy Bayly to employ an assistant and horses for the use of the Senate, was read a third time and passed.

any such enterprise, but that each should use its own means, within its own borders, for its own exemption from European colonial intrusion. And this was in exact conformity to an early and cherished policy, enunciated by Washington, and sanctioned by the public sentiment of two generations: "*No entangling alliances.*"

The occasion for the Monroe declaration was this: Four of the powers which overthrew the great Emperor, Napoleon the First, to wit: Russia, Austria Prussia, France, constituting themselves a "Holy Alliance," for the maintenance of the order of things which they had established in Europe, took it under advisement to extend their care to the young American Republics of Spanish origin, and to convert them into monarchies, to be governed by sovereigns of European stocks—such as the Holy Allies should put upon him. It was against the extension of this European system to the two Americas, that Mr. Monroe protested; and being joined in that protest by Great Britain, the project of the allies was given up.

FRIDAY, December 5.

JOHN H. EATON, from the State of Tennessee; JAMES D'WOLF, from the State of Rhode Island and Providence Plantations; and NINIAN EDWARDS, from the State of Illinois, severally attended.

ANDREW JACKSON, appointed a Senator by the Legislature of the State of Tennessee, for the term of six years, commencing on the fourth day of March last, produced his credentials, was qualified, and took his seat in the Senate.

On motion, by Mr. LANMAN,

Resolved, unanimously, That the members of the Senate wear the usual mourning, for thirty days, as a mark of respect to the memory of the Hon. ELIJAH BOARDMAN, a Senator from Connecticut, who has deceased since the last session.

MONDAY, December 8.

RICHARD M. JOHNSON, appointed a Senator by the Legislature of the State of Kentucky, for the term of six years, commencing on the 4th day of March last, stated, that he had neglected bringing his credentials with him, expecting they would be forwarded by the proper authority of the State, and which he still supposed would speedily be done: Whereupon, the oath prescribed by law was administered to him, and he took his seat in the Senate.

Accounts of Governor Tompkins.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

By the act of the last session of Congress, it was made the duty of the accounting officers of the Treasury to adjust and settle the accounts of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States. The accounting officers have, in compliance with this act, reported to me a balance of \$85,190, in favor of Governor Tompkins, which report I have had under consideration, together with his claim to an additional allowance, and should have decided on the same before the present time, had I not delayed my decision at his request. From the view which I have taken of the subject, I am satisfied, considering all the circumstances of the case, that a larger sum ought to be allowed him than that reported by the accounting officers of the Treasury. No appropriation, however, having been made by the act, and it appearing, by recent information from him, that the sum reported would afford him an essential accommodation at this time, the subject is submitted to the consideration of Congress, with a view to that object.

JAMES MONROE.

WASHINGTON CITY, Dec. 7, 1823.

The Message was read, and after the consideration of Executive business, the Senate adjourned.

WEDNESDAY, December 10.

A letter was received from the Hon. James Brown, (recently appointed Minister to France,) resigning his seat in the Senate; and, on motion of Mr. JOHNSON, of Louisiana, the President of the Senate was requested to give notice of this resignation to the Executive of the State of Louisiana.

Election of Chaplains.

On motion of Mr. HOLMES, of Maine, the Senate then proceeded to the election of a Chaplain on their part.

And the Rev. Dr. STAUGHTON was declared to be elected Chaplain of the Senate, for the present session.

THURSDAY, December 11.

Amendment of the Constitution—Election of President and Vice President—Direct Vote by the People.

In pursuance of notice given yesterday, Mr. BENTON asked and obtained leave to introduce the following resolution, which passed to a second reading, and was ordered to be printed:

That, for the purpose of electing a President and Vice President of the United States, each State shall be divided, by the Legislature thereof, into a number of districts equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress; each district shall be composed of contiguous territory, and shall contain, as nearly as may be, an equal number of persons entitled, by the constitution, to be represented, and on such days as Congress shall determine, which days shall be the same throughout the United States, the citizens of each State, who may be qualified to vote for a Representative in Congress, shall meet at such places within their respective districts as the Legislature of each State shall appoint; and each, in his proper person, shall vote for President and Vice President, one of whom, at the least, shall not be an inhabitant of the same State with himself; and separate triplicate lists shall be kept of all the voters, and of all the votes given for each person as President, and for each as Vice President. All the votes, so given in each district, shall be collected forthwith, in such manner as the Legislature of the State may direct, at some one convenient place within the district; and the votes given for each candidate shall be added together, and the person having the greatest number of votes for President, and the one having the greatest number of votes for Vice President, shall be certified as duly preferred in said district, and shall be entitled to one vote each for the respective offices for which they are candidates; but, if two or more persons shall have an equal number of votes in such district election, for the same office, then the returning officers shall decide between them, and certify accordingly. Triplicate certificates of the whole number of votes given for each candidate shall be made out, and transmitted, in such manner as Congress may direct, to the Seat of Government of the United States, addressed to the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the great-

DECEMBER, 1823.]

Amendment of the Constitution.

[SENATE.]

est number of votes for President shall be the President, if such number be equal to a majority of the whole number of electoral votes within the United States; and if no person have such majority, then the President shall be chosen by the House of Representatives, from the three having the greatest number of votes for President, in the manner now prescribed by the constitution.

The person having the greatest number of votes for Vice President shall be the Vice President, if such number be equal to a majority of the whole number of electoral districts, and if no person have such majority, then the Vice President shall be chosen by the Senate, from the two persons having the greatest number of votes for that office, in the manner now prescribed by the constitution.

MONDAY, December 15.

ELIJAH MILLS, from the State of Massachusetts, attended.

Amendment of the Constitution—Election of President and Vice President—Electors to continue Voting until an Election should be Effected.

In pursuance of a notice given on Friday last, Mr. HAYNE rose to ask leave to offer a resolution to propose to the Legislatures of the several States an amendment to the Constitution of the United States, so as to provide for the election of President and Vice President by the Electors, and to prevent the election from devolving, in any event, upon the House of Representatives. The necessity of some change, at present, is too obvious to be disregarded. That some amendment is necessary—some provision against this defect in the constitution—is admitted on all hands. Even his venerable friend, Mr. H. said, who had stood here for thirty years, to defend the integrity of the constitution, (alluding probably to Mr. MAOON,) yielded to the conviction that some alteration was necessary in this part of that instrument. Two classes of amendment had been suggested—the one, relating to the mode of choosing the Electors, and the other, to the mode of choice by the Electors. So many different propositions had been offered in regard to the manner of choosing Electors, that it had been thought proper to waive that subject. But, certainly, Mr. H. thought it infinitely more important that some provision should be made to secure the election, actually and in spirit, by the Electors. In all the modes by which the Electors are chosen, they represent the true feelings and views of the people. But this truly popular mode of election may fail, because the choice does not happen to be made at the first balloting. The election ought not to come to the House of Representatives or the Senate; for they are but the representatives of the States in such an election, and it may happen that a small minority may give a President to the nation. By such a course the country might be involved in great difficulty. The remedy appeared so obvious, and so immediately upon the surface of

the subject, Mr. H. was surprised that it had not yet been suggested—it is only to apply the same rule to this that is applied to all other elections. On the failure of the first balloting to produce a choice, proceed to the second, and continue until the election is effected. Mr. H. said his resolution proposed that the Electors should not be discharged until they had fulfilled their commission; that, after the first balloting, if the choice was not made, they should be again convened, by proclamation of the President, in their respective States, or at the seat of Government.

Leave was then granted to Mr. HAYNE to introduce the resolution; which was read, passed to a second reading, and ordered to be printed.

TUESDAY, December 16.

WILLIAM KELLY, from the State of Alabama, attended.

Amendment of the Constitution—Election of President and Vice President—District System.

Agreeably to notice, Mr. DICKERSON asked and obtained leave to introduce the following resolution, which was twice read, and referred to a select committee of five members; and Messrs. BENTON, HAYNE, DICKERSON, HOLMES of Maine, and KELLY, were appointed the committee.

“That, for the purpose of choosing Representatives in the Congress of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the number of Representatives to which such State may be entitled. The districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of persons entitled, by the constitution, to be represented, or of persons qualified to vote for members of the most numerous branch of the State Legislature. In each district the persons qualified to vote shall choose one Representative.

“That, for the purpose of choosing Electors of President and Vice President of the United States, the persons qualified to vote for Representatives, in each district, shall choose one Elector; and, at the same time, the two additional Electors to which each State is entitled, shall be chosen by the persons so qualified to vote, in such manner as the Legislature of the State shall direct. The Electors, when convened at the time and place prescribed by law, for the purpose of voting for President and Vice President of the United States, shall have power, in case any of them shall fail to attend, to choose an Elector or Electors, in place of him or them so failing to attend. The division of States into districts, as hereby provided for, shall take place immediately after this amendment shall be adopted, and immediately after every future census and apportionment of Representatives under the same; and such districts shall not be altered until a subsequent census shall have been taken, and an apportionment of Representatives under it shall have been made.

“That, when the lists of all persons voted for as President and Vice President, and the number of votes for each, shall have been transmitted to the

seat of Government, as required by the constitution, the Senate and House of Representatives shall form a joint meeting, in which the President of the Senate shall preside, who shall then open all the certificates, and the votes shall be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such a majority, then, from the highest numbers, not exceeding three, on the lists of those voted for as President, the joint meeting shall, immediately, by ballot, choose the President. A majority of the votes of all the members present shall be necessary to a choice on the first ballot; after which, a plurality of votes only shall be necessary to a choice. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed; if no person have such a majority, then he shall be chosen by the Senate, as directed by the constitution.

"That no person, who has been twice elected President of the United States, shall again be eligible to that office."

WEDNESDAY, December 17.

Mr. KING, re-elected a Senator from the State of Alabama, appeared, was qualified, and took his seat.

THURSDAY, December 18.

Daniel D. Tompkins.

The bill for the relief of Daniel D. Tompkins was taken up in Committee of the Whole. Mr. RUGGLES, chairman of the Committee on Claims, stated that this bill merely provided an appropriation of \$35,190, which had been found, by the proper accounting officers, under an act of the last session of Congress, to be due to Mr. Tompkins; that the accounts had come under the revision of the President, and that he had signified his opinion on the subject by a special message to Congress. In that message, it would be recollected, that a further sum was supposed to be due to Mr. Tompkins, the investigation of the accounts having been delayed at his own request.

The bill was then reported without amendment, and ordered to be read a third time. On motion of Mr. SMITH, the bill received its third reading, by general consent, and was passed.

WEDNESDAY, December 24.

Amendment of the Constitution—Election of President and Vice President—Restoration of the Original System.

Mr. MILLS, of Massachusetts, rose to ask leave, in pursuance of notice, which he had given on Friday last, to introduce a joint resolution, proposing an amendment to the Constitution of the United States, in regard to the election of President and Vice President. After the various propositions which have been submitted to the Senate, it would be almost impossible to present any project which should bear the stamp of

novelty, or which had not before occurred to others. He had, therefore, not attempted it, nor had he relied upon his own wisdom or invention in the amendment he was about to propose; but had resorted to the united wisdom of that illustrious band of patriots and statesmen, who devised and framed the excellent form of Government, under which we have enjoyed so much prosperity and happiness; and which, by a wise and prudent administration of our rulers, and intelligence and integrity among the people, was calculated to continue and perpetuate those blessings. He wished, then, to return to the good old ways of our political fathers, and to reinstate in the constitution its original provision for the choice of President and Vice President of the United States. This, Mr. M. said, was the whole of his proposition. It had met the sanction of the enlightened assembly to which he had alluded, and the conventions of the several States; it had been tested by experience, and seemed better calculated in time to come to effect a choice by the Electors appointed for that purpose, and above all, to secure for the *second* office in the Government those qualifications and endowments, which, in a good degree, fit him for the *first*.

For what purpose, asked Mr. M., was the office of Vice President created? Was it that he might preside over the meetings of this House? No, sir. If that had been the case, we should be left, like most other legislative bodies, to appoint our own presiding officer. The constitution had in view that he might be called upon, in certain events, to exercise the high and important functions of the chief Executive Magistrate. Hence, it provided that he should be voted for as President of the United States, from among the candidates for that high office. This mode of election clearly shows that his business in the Government, and the chief reason of his appointment, was not merely to conduct the deliberations of the Senate. The first officer in the Government might be arrested in the midst of his career, by the arm of death; sickness might destroy his faculties; the visitation of Providence might prostrate in ruins his intellectual powers; he might be removed by impeachment, or voluntarily retire from his arduous duties. In either of these events, the Executive authority must be administered by some individual, and the mode of election pointed out by the constitution, as it originally stood, would always secure to the country, in the second office of the Government, the services of an enlightened citizen, elected with a view to his qualifications for the first office, and presumed to be capable of discharging its high and important duties. If this was the object for which he was elected, Mr. M. contended, that, reasoning *a priori*, that object would be much more likely to be effected, and with greater facility and security, in the mode originally pointed out in the constitution. To accomplish the end in view, the Convention had provided, that the Electors should meet in their respective

DECEMBER, 1823.]

Amendment of the Constitution.

[SENATE.]

States, and vote for two persons, one of whom, at least, should not be an inhabitant of the same State with themselves; that the person having a majority of the votes of the Electors should be the President, and the person having the next highest number of votes should be the Vice President; presuming, that, as both would be voted for, without designation, as President, both would be worthy of the office, and competent to perform its duties. Experience has sanctioned the correctness of this theory, and proved the conclusion of their reasoning to be well founded. So long as that provision remained a part of the constitution, and two persons were voted for, without designation or distinction, the person filling the office of Vice President was, invariably, at a subsequent election elevated to the Executive chair. But since that provision has been altered, and the Electors have been called upon to designate, by their votes, a person for a secondary and inferior office, other views and other considerations have influenced his selection—without the hope or expectation of any further advancement.*

But, Mr. M. said, the propriety of the original mode of election was not only evident from the deductions of reasoning, and the voice of experience, but it was fully confirmed by the prospect of the future, and especially by the prospect immediately before the nation. An election is rapidly approaching; and, although a constellation of worthies have been for months, and, he might say, for years, presented to the people, as candidates for the Presidential chair, what single individual has yet been seriously named to fill the office of Vice President? While no small excitement exists in the public mind in relation to the one, there was, as far as he knew, an utter apathy and indifference in relation to the other. What, then, Mr. M. asked, would be the probable result of the two modes, at the approaching election? Suppose all these distinguished personages should be candidates, one only could be chosen to office; because, the friends of neither, under the present system, would probably consent that their favorite candidate for the Presidency should be held up, *eo nomine*, for the Vice Presidency. But, if the constitution had remained in its original form, in all probability, two of them might be elected—one to the first, and another to the second office. You would then have a

person for Vice President, capable, at least in the opinion of a plurality of the Electors, of discharging the duties incumbent on the President, and who had received their suffrages as such.

Amendment of the Constitution—Election of President and Vice President—A second Ballotting by Electors if no Election made on the First.

Mr. VAN BUREN, of New York, rose and said, that pursuant to the notice he had heretofore given, he would now ask leave to introduce a resolution proposing an amendment of the Constitution of the United States on the subject of the election of the President and Vice President of the United States. Should the permission he asked be granted, it was his intention further to move that the resolution he offered be referred to the select committee already appointed on similar propositions. To enable that committee better to appreciate his views, as well as to explain the motives which had induced him to add to the number of propositions on the same subject already before them, he would, in the remarks he intended to make, refer to those propositions, and notice their respective contents. He would do this, not for the purpose of full discussion, but only so far as was necessary to mark the difference between them and the one he designed to offer, and for a brief explanation of the principles upon which that difference is founded. Before he proceeded to that object, he would add his humble testimony to the justice of the remark, that the extreme difficulty which is experienced in every attempt to improve the present constitution, afforded the most striking evidence of the great wisdom and care which presided over the deliberation and governed the decision of those who made it. He would further add, that although he felt much reluctance in originating a proposition of this character, he had not witnessed the frequent unsuccessful attempts at amendment which had been made with as much regret and dissatisfaction as was expressed by some. On the contrary, thinking, as he did, that as yet no improvident amendment of the original instrument had been made; and believing from the slow and scrutinizing process through which all amendments must pass, that there was little danger that any of equivocal character would obtain, he was induced to regard the frequent unsuccessful attempts to alter the present system as productive of much good, by strengthening and confirming the confidence of the people in the wisdom of its provision, and by increasing and perpetuating our gratitude for the services and respect for the memories of those illustrious men who formed it. That such had been their effect he had no doubt.

There are, said Mr. VAN BUREN, already before the Senate, three distinct propositions on this subject, viz: One introduced by a Senator from Missouri; one by a Senator from New Jersey; and one by a Senator from North Car-

* It is the admonition of Legislative experience that, in suppressing one evil, you may give rise to another; and it would seem that the alteration of the constitution, consequent upon the long struggle between Mr. Jefferson and Mr. Burr in the election of 1800-1, was no exception to the rule. It was apprehended at the same time, by some aged heads, that the alteration might sink the vice presidential election into a secondary and subaltern consideration, subservient to the first, and without the national views which the office would require. And after fifty years' experience it would seem that the apprehension was but too well founded.

olina: to which, one had, that moment, been added, by a Senator from Massachusetts—the three first of which he would briefly notice. The last had, for its object, a course entirely different, as well from the one he intended to introduce as those before it. The plan of the gentleman from Missouri proposes to divide the different States into districts, not for the choice of electors of President and Vice President, but to take the votes of the people directly for those officers, allowing to each State as many votes as they are now entitled to, rendering the majority of all the votes necessary to a choice, and in the event of no election, on the first vote, by the people, the same to be made by the House of Representatives, each State having but one vote, as is now provided by the constitution. The only remark he would now make, on that feature of the resolution which dispenses with the agency of intermediate electors, was, that inasmuch as, with reference to the condition of the representation in particular States, secured to them by the constitution, it does not profess to give the choice to a majority of the people, and as it renders a resort to the House of Representatives almost indispensable, in the event of there being no choice in the first instance, he was not prepared to give his assent to it. To judge of the propriety of so much of the different propositions as provide for a division of the several States into districts, a very brief inquiry into their operation and motive becomes both necessary and proper. It has been said that that mode would effect the double purpose of bringing the election nearer to the people, by securing to them, in every State, the immediate choice of the electors; and of protecting the right of the minorities in the different States. But when it is considered that by the constitution each State has now the power of securing to its citizens those objects, when and as the people of those States represented in their State Legislatures may think proper to do it, he was disinclined to believe that a desire, on the part of any one State, to interfere in these respects with the internal condition of another, constituted the motive which induced them to urge the measure under consideration. The object which would be effected by it was of a different character. With regard to one effect which it was calculated to produce on the different States, there was not, in the discussion on this floor last year, the least reserve, and, he presumed, there would not be any now. The alteration of the system, if adopted, can only be effected by consent of the parties to the present compact, and gentlemen, representing States differently situated, do but exercise a right, of which no one can complain, in proposing such terms as are most acceptable to, and will best subserve the interest of, their immediate constituents. It is well understood that the tendency of this measure will be to reduce greatly the present weight of the large States in the general scale, by subjecting them to the full operation of the political divisions which are supposed to be more

peculiar to them, and thereby preventing them from bringing their consolidated strength to bear upon the Presidential question. It is proposed to do this on the plan of the gentleman from Missouri, without concession of any description on the part of those States who would be benefited by the change. To decide whether the consent of the large States can, with reason, be expected to this change, it is proper to look for a moment to the present relative conditions of the States, on the score of influence, in the existing plan of Government. As he had not, as yet, heard any thing upon this subject, either now or at the last session, he would remark, that he made the reference he proposed under the full influence of those frank and liberal feelings which had characterized every thing that had hitherto been said or done on this subject. His design was to look at things as they were, without any other motive or feeling than a simple desire to ascertain, by a reference to facts, whether if any alteration in the constitution in this particular ought to be made, what that alteration should in justice be. It was to him a source of great satisfaction, that a subject, so delicate in its character, had hitherto been commented upon in this House with so much freedom, and yet without the least asperity. It clearly showed, if proof of that could be necessary, that the objects of all were only such as, in their different views of the matter, ought, in justice, to be obtained.

The great departments of the Government were, the Legislative, Executive, and Judicial. The latter is organized by the two former, and the influence of the respective States, in its organization, is of course the same as it is in the other two. In the choice of the Executive, and in the popular branch of the Legislature, each State has a representation proportioned to its representative members, with this exception, that, in the choice of the Executive, an addition of two votes was given to each State, without regard to its numbers, or the amount of its contribution to the public Treasury. But in this branch of the Legislature, the case is widely different. Here, in consequence of the peculiarity of our condition, at the time of the adoption of the constitution, the equitable principle of representation, founded on population and contribution, has been entirely disregarded. Here, each State, on the score of its sovereign character, has equal weight; and what, he asked, was the relative importance of this branch in the Government? He would not say it was that by which all the efficient power of the Government was controlled, but he would say, that but a slight consideration of the constitution was necessary to show that this branch did so more than any other. With the single exception of originating revenue bills, its legislative powers were coextensive with the popular branch. No law could pass without the assent of the Senate. Almost all the important proceedings of the Executive are subject to its revision. All appointments require its approbation, unless its

DECEMBER, 1823.]

Amendment of the Constitution.

[SENATE.]

assent is obtained to a law providing a different mode. The consent of two-thirds of this body is necessary to the validity of all treaties, and it has the sole power to try impeachments of all the high officers of the Government, as well executive as judicial. In a branch of the Government possessing such extensive powers, the small but patriotic State of Illinois, with a population of fifty-five thousand, has a representation equal to that of Pennsylvania, with a population of one million and fifty thousand. The five largest States in the Confederacy, viz: Ohio, Pennsylvania, Virginia, North Carolina, and New York, with a population of four millions eight hundred thousand, have a representation but equal to the five smallest States, with a population of three hundred and fifty-three thousand. Nearly one-half the nation residing in the five largest States, has a representation but equal to the one twenty-seventh part, residing in the five smallest States. About one-half the whole people, residing in five States, are represented here by ten voices, whilst the other half are represented here by thirty-four voices. The disproportion of the relative influence of the several States, having reference to their population, as a just basis of representation, cannot fail to strike every mind. The same inequality existed at the adoption of the constitution, but in a much less degree. Then, taking an average of the population of the States, and considering those as small who do not come up to it, the large States were in a majority; now, by the admission of new States, with assent of the old, they are in a minority. There were, at that period, eight large and five small States. Now, by the same criterion, there would be found to be but ten large and fourteen small States. Still, this was all right; it was according to the compact, into which all the States had voluntarily entered; and he fervently hoped, for the peace and happiness of the people of these States, that the day might be far distant, when even a desire should be entertained to alter it. But, when it is proposed so to change the constitution, as to reduce still more the relative weight of the large States, in the general scale, it surely becomes proper to reflect on the existing condition of things. And, in view of that, he asked whether it was reasonable to expect the large States will ever assent to the proposition made by the gentleman from Missouri, reducing their political weight in the confederacy, without concession of any kind, on the part of the other States? He thought not. Still, as one of the representatives of one of the large States he would give his assent to the measure proposed, of dividing the States into districts for the choice of electors, provided it was done in the spirit which produced the constitution, that is, a spirit of mutual concession. He was willing, for one, to make concessions for general harmony; and all he asked was, that they should be reciprocal; and those, he thought, could, with care and justice, be made.

By the present constitution, in the event of no one person having a majority, for the office of President, of the votes of the electors, on the first ballot, the choice devolves on the House of Representatives; and, in such choice, each State has an equal vote. It is believed that, at the time of the adoption of the constitution, the contingency on which this result was made to depend was not thought likely to happen. And it is supposed that from the great number of small States since admitted into the confederacy and from other causes, its occurrence for the future may be frequently expected. It is reasonable to suppose, that, inasmuch as it was evidently the leading design of the constitution, that, in the choice of President and Vice President, the States should be represented, with the exception already noticed, according to their relative numbers, and, as they deem it but just, that such would be the case, this feature in the constitution is by the large States considered inequitable. But, what is of greater importance, the provision bringing the election to the House of Representatives, is deemed objectionable by all the States, on the ground that it jeopardizes the purity of the election, and exposes the whole system to danger, by affording facilities to the corruption of a part. If this wide-spread apprehension is well founded, and how far it was so, was a point he would not at this moment discuss; it surely was one which addressed itself alike to all the States, whether great or small, and certainly not with the least force to the latter. All then that he asked, as a concession for harmony and the general good, was, that if the States were districted, the ultimate choice of President should be placed elsewhere, and decided upon more equitable principles. If that was conceded, and from the temper manifested by the Senate last year, he had every reason to hope it would, the next question would be, as to the least objectionable mode. He was not favorably inclined to that proposed by the Senator from New Jersey, because, although it provides for the ultimate choice, so far as it respects the relative weights of the States upon just principles, it does not effect what he considered at least an equal if not a greater object, the removal of the decision from the House of Representatives. Such as it was, however, coming from the Senator of a small State, it marked the just and liberal views which governed his conduct. He would prefer a different mode from that proposed by the Senator from South Carolina; for, although that contained much that was desirable, both in its principle and as it respects the weight of the respective States in the decision, and as removing it at all events from the House of Representatives, still he feared that the project of sending the question back, under the same circumstances, to the Electors, from time to time, until they made a choice, would be found in practice extremely difficult, if not very dangerous. He would not now remark on the circumstance that this proposition did not provide for districting the States, without which he did

not hope that the small States would consent. He presumed that it was intended by the honorable mover to connect it with some proposition for that purpose, as he had, in the Senate, expressed his entire willingness to do. Under such views of the subject, he would ask leave to introduce a proposition essentially different from those on their table: one which, if not entirely just, was, he thought, liable to the fewest objections. In doing so, it was proper that he should state, and he was quite certain that he would thereby secure for the proposition a degree of consideration which it might not otherwise obtain, that the plan he offered was the same in principle with that heretofore proposed by a venerable Senator from Virginia, who was now, to Mr. V. B.'s great regret, and the public misfortune, prevented from attending. He said the principle was the same; his own humble effort had been solely directed to the object of rendering it more simple in its form and operation. How far he had succeeded in that, the Senate would judge when the subject came under their particular consideration.

Having said this much upon that branch of the subject, Mr. V. B. would proceed to state briefly another point in which the proposition he offered differed essentially from the others proposed, and in which difference was involved a principle of the Government as important in his view, as any which had for some time been discussed on that floor. In doing so, it was a subject of gratification to him that this principle had no reference to the relative and conflicting interest of the States in the confederacy, but looked equally to the welfare and security of all. To a correct understanding of the point he wished to present, it became necessary to take a brief view of the principle upon, and the circumstance under which, our present form of Government was established. Under the articles of Confederation the representation of each State in the General Government was equal. The Union was in all respects purely Federal, a league of sovereign States upon equal terms. To remedy certain defects by supplying certain powers, the convention which framed the present constitution was called. That convention it is now well known, was immediately divided into parties, on the interesting question of the extent of power to be given to the new governments: whether it should be Federal or national; whether dependent upon, or independent of the State Governments. It is equally well known that that point, after having several times arrested the proceedings of the convention, and threatened a dissolution of the confederation, subsequently divided the people of the States on the question of ratification. He might add, that with the superadded question of what powers have been given by the constitution to the General Government, to the agitation of which the feelings which sprung out in the convention greatly contributed, it had continued to divide the people of this country down to

the present period. The party in the convention in favor of a more energetic Government, being unable to carry, or, if able, unwilling to hazard the success of the plan with the States, a middle course was agreed upon. That was, that the Government should be neither Federal nor national, but a mixture of both. That of the Legislative Department, one branch, the power of representation, should be wholly national, and the other, the Senate, wholly Federal. That, in the choice of the Executive, both interests should be regarded, and that the Judicial should be organized by the other two. But, to quiet effectually the apprehensions of the advocates for the rights and interest of the States, it was provided that the General Government should be made entirely dependent for its continuance, on the will and pleasure of the State Governments. Hence, it was decided that the House of Representatives should be apportioned among the States, with reference to their population, and chosen by the people; and power was given to Congress to regulate and secure their choice, independent of, and beyond the control of the State Governments. That the Senate should be chosen exclusively by the State Legislatures, and that the choice of the Electors of President and Vice President, although the principle of their apportionment was established by the constitution, should, in all respects, except the time of their appointment and of their meeting, be under the exclusive control of the Legislatures of the several States. The scheme of Government thus formed was submitted to the people of the respective States, through their Legislature, for ratification. For a season its ratification was warmly opposed in almost every State. Although the control over the choice of but one branch of one department of the Government was vested in Congress, danger to the rights of the States was everywhere apprehended, and the question of the ratification of the constitution rendered extremely doubtful.

To stem this torrent of opposition, the most distinguished commentators on the proposed plan (the authors of the *Federalist*) placed strongly and truly before the people of the States, the fact of the dependence of the General upon the State Governments, and the constitutional right of those Governments, or even a majority of them, if the power they had conferred should be abused, to discontinue the new Government by withholding its Senate and Chief Magistrate. Among other things they said—

"The State Governments may be regarded as constituent and essential parts of the Federal Government, while the latter is nowise essential to the operation or organization of the power. Without the intervention of the State Legislatures, the President of the United States cannot be elected at all. They must in all cases have a great share in his appointment, and will, perhaps, in most cases, themselves determine it. The Senate will be elected absolutely and exclusively by the State Legislatures. Even the House of Representatives, though drawn immediately

DECEMBER, 1823.]

Amendment of the Constitution.

[SENATE.]

from the people, will be chosen very much under the influence of that class of men whose influence over the people obtains for themselves an election into the State Legislatures. Thus each of the principal branches of the Federal Government will owe its existence, more or less, to the favor of State Governments, and must, consequently, feel a dependence which is much more likely to beget a disposition too obsequious, than too overbearing toward them."

The ratification by a sufficient number of the States was obtained. On reference, however, to the proceedings of the State conventions, it will be seen that, in several of the States, the control by Congress, over the choice of Representatives merely, was strongly remonstrated against. That amendments were proposed for its qualification by the States of South Carolina, North Carolina, Virginia, Massachusetts, New Hampshire, Rhode Island, and New York. That most of them resolved that it should be a standing instruction to their Delegates in Congress to endeavor to effect that and other amendments proposed. The proposition of the gentleman from New Jersey, to which Mr. VAN BUREN had alluded, would, if adopted, break an important link in the chain of dependency of the General upon the State Governments. It would surrender to the General Government all control over the election of President and Vice President, by placing the choice of Electors on the same footing with that of Representatives. It would at this time be premature to go into a minute examination of the provisions of the resolution alluded to, to show that such would be its effects. Upon examination, it will be found that such would be its construction. That it does in substance what another proposition, upon their table, originating in the other House, does in words. But even was there doubt upon that subject, that doubt should be removed by an express provision, reserving to the States their present control over the election, except as to what is particularly provided for in the resolution now proposed. If it is fit to take from the States their control over the choice of Electors of President and Vice President, and give it to the Federal Government, it would be equally proper, under the popular idea of giving their election to the people, to divide the States into districts for the choice of Senators, as was proposed in the Convention, and give to Congress the control over their election also. If the system be once broken in upon in this respect, the other measure will naturally follow, and we will then have what was so much dreaded by those who have gone before us, and what he feared would be so much regretted by those who come after—a completely consolidated Government—a Government in which the State Governments would be not otherwise known or felt than as it became necessary to control them. To all this Mr. VAN BUREN was opposed. He was so, because it was a matter not necessary or fitly connected with the subject under consideration; that being a question between the States themselves, as to their relative interest—a question

which might and ought to be settled, and leave their relation to the Federal Government as it stands at present. The other is a question between the States, collectively, and the Federal Government, affecting most materially the relation they now bear to each other. But, even if it were presented under different circumstances, he would oppose it. Because, however ardent his attachment to the Federal Government, and however anxious he might be to sustain it in the exercise of the powers given to it by the constitution—and, in that respect, he would, he trusted, go as far as any man ought to go—he was unwilling to destroy or even release its dependence on the State Governments. At the time of the adoption of the Federal constitution, it was a question of much speculation and discussion, which of the two Governments would be most in danger from the accumulation of influence by the operation of the powers distributed by the constitution. That discussion was founded on the assumption that they were, in several respects, rival powers, and that such powers would always be found in collision. The best lights which could then be thrown upon the subject, were derived from the examples afforded by the Fates of several of the Governments of the Old World, which were deemed to be, in some respects, similar to ours. But the Governments in question having operated upon, and been administered by, people whose habits, characters, tempers, and conditions, were essentially different from ours; the inferences to be derived from that source were, at best, unsatisfactory.

Mr. V. B. thought that experience (the only unerring criterion by which matters of this description could be tested) had settled for us the general point of the operation of the powers conferred by the constitution upon the relative strength and influence of the respective Governments. It was, in his judgment, susceptible of entire demonstration, that the Federal Constitution had worked a gradual, if not an undue increase of the strength and control of the General Government, and a correspondent reduction of the influence, and consequently of the respectability of the State governments. The evidence in support of this position was abundant, and, if the matter should come under full discussion, could be readily afforded. He thought, further, that existing causes, which were every day gaining force, would, for the future, more rapidly increase that operation. He considered the qualified dependence of the General upon the State Governments as their strong arm of defence to protect them against future abuses. Under that view of the subject, he was opposed to so material a change of the present condition of the respective governments as would be produced by the amendment to which he objected. He was in favor of leaving matters, in that respect, as they stood. Under this impression, Mr. V. B. had prepared a resolution which avoided the defect attaching to that of the gentleman from New Jersey—

requiring the contemplated division of the States into districts, to be coextensive with the number of Electors instead of Representatives, and at the same time secured the great object upon which he had been commenting.

Mr. VAN BUREN then introduced the following resolution:

The Electors of President and Vice President of the United States shall be chosen by the people of the several States, in districts equal in number to the number of Electors to which each State is entitled, to be composed of contiguous territory, and, as near as may be, equal in the number of persons to be represented, or of persons qualified to vote for members of the most numerous branch of the State Legislature. The qualification of the voters at such election shall be the same as is required of Electors for the most numerous branch of the State Legislature. The Electors of President and Vice President, convened at the time and place appointed by law, for the purpose of giving in their votes, shall have power, in case any of them fail to attend, to choose an Elector or Electors, in the place of him or them so failing to attend. Congress may determine the time of choosing the Electors, the day or days on which they shall give their votes, which shall be the same throughout the United States. But the authority to divide the States into districts, for the choice of Electors; to direct the election to be held; to prosecute the manner thereof, except as to the time of holding the same, and the qualifications of the voters; and the place of meeting of the Electors aforesaid,—is reserved, exclusively, to the Legislatures of the several States.

If, upon counting the votes for President and Vice President, in the manner directed by the constitution, it shall appear that no person has a majority of the whole number of the Electors chosen, it shall be the duty of the President of the Senate forthwith to notify the President of the United States thereof; who shall immediately by proclamation, and also by notification to the Executives of the several States, publish the number of votes given to each person as President. Whereupon, the Electors shall again meet on the day which shall have been by law appointed for that purpose, with the like power of supplying vacancies, and vote for one of the two persons as President who shall have received at the first meeting of the Electors the greatest number of votes for such office. Or, if it should happen that more than two persons have received the greatest, and also an equal number of votes, the said Electors shall vote for one of them as President. The said Electors shall thereupon transmit one of the lists, to be made at their first meeting, and also that made at their second meeting, signed and certified by them, to the Seat of the Government of the United States, directed to the President of the Senate, to be proceeded upon as the constitution has prescribed, except that the person having the greatest number of votes at the second meeting of the said Electors shall be the President. But, if two or more persons shall have received the greatest and an equal number of votes at the second meeting of the said Electors, the House of Representatives shall choose one of them for the President of the United States, as now prescribed by the constitution.

Both the resolutions were referred to the same committee to whom the other proposi-

tions for amending the constitution have been referred.

WEDNESDAY, December 31.

Florida Land Titles.

The following resolution, submitted yesterday by Mr. ELLIOTT, was again read for consideration:

"Resolved, That the President of the United States be requested to cause an application to be made to the British Government, through our Minister at that Court, for a correct list of the names of such persons as may have been paid, with the sums received by each, for lands held by them in the Floridas previous to the treaty of 1783, and of which they were deprived, on the transfer of that territory to Spain, by virtue of the said Convention."

Mr. ELLIOTT said that the object of his resolution would probably be apparent to the Senate; that it would be recollected that the Floridas were formerly in possession of the British Government, while we were colonies of that country; that, upon the transfer of the Floridas to Spain, it had been stipulated that such British subjects as chose to remain there, should be permitted to do so; but that a great proportion of those subjects had abandoned that country, and removed to Great Britain; and had since been compensated for the property they left there. But some others had removed to the United States, preferring to share the difficulties of our Revolution, and the subsequent blessings of our Government. Some of these persons had never received any compensation for the property they left, and it had now become necessary to decide upon their claims to lands in Florida. This could not be done correctly, without the information referred to in the resolution which was now under consideration. The heirs of many of these persons had come forward with their claims, and this information was wanted, to guard against imposition.

The resolution was agreed to.

FRIDAY, JANUARY 2, 1824.

South Carolina Resolutions—Acknowledgment of Grecian Independence.

Mr. HAYNE communicated the following resolutions passed by the Senate and House of Representatives of the State of South Carolina:

"IN THE SENATE, Dec. 19, 1823.

"Resolved, That the State of South Carolina regards with deep interest the noble and patriotic struggle of the modern Greeks to rescue from the foot of the infidel and the barbarian the hallowed land of Leonidas and Socrates; and would hail with pleasure the recognition, by the American Government, of the independence of Greece.

"Resolved, That a copy of this resolution be transmitted to our Senators and Representatives at Washington.

JANUARY, 1824.]

Case of Francis Henderson, Jr.

[SENATE.]

"Ordered, That the resolutions be sent to the House of Representatives for concurrence.

"By order of the Senate.

"WM. D. MARTIN, *C. S.*"

"IN THE HOUSE, Dec. 20, 1823.

"Resolved, That the House do concur in the resolutions.

"Ordered, That they be returned to the Senate.

"By order of the House.

"R. ANDERSON, *C. H. R.*"

The resolutions were read, ordered to lie on the table, and be printed for the use of the Senate.

Portrait of Columbus.

The following communication was received from the Department of State:

DEPARTMENT OF STATE,
Washington, January 1, 1824.

To the President of the Senate of the United States:

SIR: I have the honor of enclosing, herewith, a copy of a letter received at this department, from George G. Barrell, Consul of the United States at Malaga, and informing you that the picture mentioned in it, is at the office of this department, subject to such disposal of it as Congress may direct.

Having been some time retained at New York, to which place it was shipped by Mr. Barrell, it has very recently been received here in a frame, upon which is engraved the following inscription:

"Columbus.

"Presented to the nation, by G. G. Barrell, United States Consul at Malaga. The frame presented by Parker & Clover, picture framers, New York, A. D. 1823."

I avail myself of this occasion to state, that an exact fac-simile, engraved on copperplate, has been made by direction of this department, of the original copy of the Declaration of Independence, engrossed on parchment, and signed by all the members of Congress on the 2d of August, 1776, as appears by the secret journal of that day. Two hundred copies have been struck off from this plate, and are now at the office of the department, subject to the disposal of Congress.

I am, with great respect, &c.

JOHN QUINCY ADAMS.

Copy of a letter from GEORGE G. BARRELL, United States Consul at Malaga, to the Secretary of State:

MALAGA, February 21, 1823.

SIR: A few days since I delivered to Charles A. Davis, Esq., a portrait of Columbus, in half length, which I obtained from Seville, and directed him to forward it to your Excellency, for the purpose of having it placed among the portraits of other distinguished men in the Capitol. You will find, by the certificate which accompanies it, that it was supposed to be by the same hand which painted the celebrated one in the Escorial, and only having undergone some retouches, of a trifling nature, to prevent its decay. If it is worthy of a place in the Capitol, it will afford me infinite pleasure; and if not, I can only say, my admiration for that extraordinary man led me to think an original likeness of him

might be considered as a small mark of the veneration and love I bear my country.

With great respect, &c.

GEORGE G. BARRELL.

J. Q. ADAMS, Esq., *Sec'y of State.*

This communication, with the accompanying letter, was read and referred to the select committee appointed to make the proper disposition of the rooms in the centre building of the Capitol.

MONDAY, January 5.

Case of Francis Henderson, Jr.

The bill reported by the Committee on Foreign Relations, for the relief of Francis Henderson, jr., was taken up in Committee of the Whole. This bill provides for the payment "to Francis Henderson, jr., the grandson of the late Lieutenant Colonel John Laurens, of South Carolina, the sum of \$23,500, in full for all claims of the legal representative of Colonel Laurens against the United States." The following is the report of the Committee on Foreign Relations:

Lieutenant Colonel John Laurens, the ancestor whose services, civil and military, occupy a brilliant page in the history of the Revolution, entered the Army of the United States, as aid to the Commander-in-chief, in August, 1777. In this situation, he displayed a zeal, courage, and devotedness, not surpassed by any of his compatriots. He conciliated the esteem of his commander, and of his brother soldiers, and, for his distinguished services, frequently received the thanks of Congress. In 1780, he had acquired so much of the confidence of his country, as to induce Congress, unanimously, to appoint him a special Minister to France, on a most important service. Such was his success in this mission, as again to call forth the public thanks of that body. He returned to this country in September, 1781, and at his special request Congress permitted him to join the Army, then conducting the siege of Yorktown, in Virginia, where fresh laurels awaited him. He finally fell, on the 27th August, 1782, in the lap of honor, fighting the battles of his country. His death was a national misfortune. He left an orphan daughter to the gratitude and to the protection of his country. A disinterestedness, even to carelessness, was a distinguished trait among his other qualities. Hence, for his long and important services, and the expenses attending the same, he seems neither to have kept an account, nor to have received any advances, except a small sum, to which hereafter a more particular reference will be made.

The father dead—his only child an infant and an orphan—and the grandfather, Henry Laurens, in captivity in England—there was no one to assert her claims.

Eventually, the grandfather returned from Europe, and, in 1784, as the guardian of the child, presented her case to Congress, who came to the following resolution:

"Resolved, That, in settling the accounts of the late Lieutenant Colonel John Laurens, as special Minister to the Court of Versailles, he be allowed the same pay that was given at this period to the Ministers Plenipotentiary of the United States at foreign Courts,

SENATE.]

Case of Francis Henderson, Jr.

[JANUARY, 1824.]

from the time of his appointment to that embassy, until his return; and that the balance remaining due for his services as Minister be paid to his representatives."

This resolution was not acted upon till 1790. The accounts of the father, Colonel Laurens, in both characters, as Colonel and as Minister, were settled. But it is objected by his legal representative, the petitioner, (who intermarried with Frances Eleanor Laurens, the only child of Colonel John Laurens,) and, in the opinion of the committee, justly, that in the settlement no allowance was made for the expenses of Colonel Laurens while on his foreign mission, although, at that time, no advances being made our foreign Ministers as an outfit, it was the usage of the Government to pay their expenses; and more especially, too, as Congress had expressly directed that, in the adjustment of the account, his compensation should be the same as that of other Ministers.

No account having been kept by Colonel Laurens of his expenses, the committee have, of course, no certain data by which to ascertain the amount; in the absence of which, they have been compelled to resort to other circumstances, for the purpose of arriving at any satisfactory result. These are, 1st. That it is in proof Colonel Laurens paid his own expenses, as well as those of his suite. 2dly. He took up, at Nantes, on the credit of his father, £1,000 sterling, equal to \$4,444 44. 3dly. He received from Dr. Franklin, the then resident Minister in France, \$2,171 42; and, 4thly, on his return to the United States he received at Boston, where he landed, \$720 from the Superintendent of Finance, to enable him to join the army before Yorktown, in Virginia. The committee, therefore, have assumed these sums, as furnishing the probable amount of his expenses; in which they have the more readily acquiesced, as it was about equal to the sum, in proportion to the time, allowed Silas Deane, a contemporary Minister at that Court, for his expenses.

The claim for \$101 85, results from the improper application of the scale of depreciation to the item for rations, in the military account of Colonel Laurens, who, unconnected with any State regiment, would be deprived of the compensation which his brother officers received, if it be not awarded by Congress; and, therefore, the committee deemed it reasonable to allow it. The claim for \$104 70 is obviously just, as it arises from an omission in extending and adding up the account. Uniting these two sums with his diplomatic expenses, produces an amount of \$7,542 41, which, with interest, at five per cent. from the fifth September, 1781, the day of his return from Europe, is equal to \$23,500. In allowing the charge for interest, from the above period, the committee have been guided by the resolution of Congress above referred to, and the report on which it was founded, which directs that the child of Colonel Laurens should receive whatever was, in equity and justice, due the father; and for the further reason, that the grandfather, in fixing the portion of the daughter of John Laurens, by his will, deducts therefrom the advances made the son, of which the sum taken up by him at Nantes is a part, with interest from the time of such advances.

The committee, in reporting a bill directing the money to be paid to Francis Henderson, jr., the only grandchild of Colonel Laurens, has, independently of its fitness, conformed to the consent of Francis Hen-

derson, the elder, signified by a letter from him, and among the documents.

Mr. BARBOUR stated the grounds of this claim, and commented feelingly and eloquently upon the distinguished services which Colonel Laurens had rendered the country. In the appropriation of the sum named in the bill, Mr. B. said the committee had not estimated the interest on the moneys which were justly due a long time since to Colonel Laurens. He thought this ought, in justice, to be added to the amount to be granted; and therefore moved that the sum of \$23,500 be stricken out from the bill, and the sum of \$26,700 inserted in its stead.

The allowance of interest was opposed by Messrs. LANMAN, HOLMES of Maine, MACON, and VAN BUREN, on the ground that the claim had not been before presented, and that the same principle which had been adopted in the settlement of other claims, of a similar nature, should be preserved in this case.

The question having been divided, the motion for striking out \$23,500 prevailed; but, before the question was taken on inserting the sum proposed by Mr. BARBOUR, the bill was ordered, on motion of Mr. VAN BUREN, to lie on the table.

WEDNESDAY, JANUARY 7.

Case of Francis Henderson, Jr.

The bill reported in Senate, by the Committee on Foreign Relations, for the relief of Francis Henderson, jun., the grandson of the late Colonel John Laurens, was again taken up for consideration, in Committee of the Whole. The question was upon inserting \$26,700, as the sum to be granted, instead of \$23,500, the sum reported by the committee—the addition proposed being for interest on the sum which the committee states to be due for the services of Colonel Laurens. On the allowance of interest, a further discussion took place, in which Mr. BARBOUR supported, and Messrs. HOLMES of Maine, SMITH, MACON, HAYNE, and BENTON, opposed the allowance.

Mr. HAYNE said that, as the name of Laurens had been mentioned, and his services had been alluded to, in debate, he could not, with justice to his own feelings, refrain from adding his feeble tribute of respect for the virtues, and admiration of the character, of that distinguished man. He felt that he would be indulged by the Senate when they remembered that he represented the State which had been honored by giving birth to that illustrious hero, and which had been still more honored in being the scene of his glorious death.

Colonel John Laurens, said Mr. HAYNE, was the Bayard of America. Of him, if of any man who ever lived, it could, with truth, be said, "he was without fear and without reproach!" He brought to the service of his country a Roman form, and more than a Roman soul. If

JANUARY, 1824.]

Case of Francis Henderson, Jr.

[SENATE.]

you sought for him in the day of battle, he was found at the post of danger; if at any other moment, he was found at the post of duty. The love of his country controlled every other feeling of his heart; it might almost be said to be that "in which he lived, and moved, and had his being." It had been supposed, said Mr. HAYNE, that Colonel Laurens was a rash man, wholly reckless of life; who rushed, with the instinct of the lion, on his foe, and who was regardless because he was insensible of danger. Some countenance had indeed been given to this idea by the historians of the day. But Mr. H. was strongly impressed with the belief that injustice had, in this respect, been done to the character of Laurens, and that his ardent enterprise and heroic courage had been mistaken for thoughtless desperation.

Laurens possessed a highly cultivated mind. He was a man of thought as well as of action; "as great in counsel as in high resolve." It is not to be supposed, therefore, that such a man could have been insensible to danger. Mr. H. was satisfied, from facts within his own knowledge, that, although Colonel Laurens always felt himself compelled, by his noble nature and high sense of duty, to seek danger in his country's service, wherever it was to be found, yet he duly estimated the hazards of such conduct, and considered as probable the event by which he finally sealed, with his blood, his devotion to his country. When entering on his last campaign, he confided, to the care of a friend, a precious jewel, the gift of Louis XVI., with directions how it should be disposed of in the event of his fall. No, sir, said Mr. H., Colonel Laurens was neither insensible to danger nor indifferent to life. It was only when, to borrow the language of the immortal poet,

"He set Honor in one eye, and Death in t'other,
That he did look on Death indifferently."

The field of battle was not the only sphere in which Colonel Laurens displayed great talents and rare qualities. He was no less able as a negotiator than distinguished as a soldier. At the most critical period of the Revolution, Congress found it necessary to send to France for succor and support. They sought out Laurens in the camp and confided to him a special mission to the Court of Versailles. His conduct on that mission was as striking and peculiar as it was eminently successful. He stamped his own high character on a transaction unexampled in the whole history of diplomacy. Arrived at the French Court, he trampled at once on all official forms, and in the simple garb of an American soldier, pressed instantly into the presence of the Sovereign, eloquently and fearlessly explained the situation of his country, clearly pointed out the duty and interest of France, and demanded assistance. Patriotism and eloquence were signally triumphant. Laurens prevailed. He obtained at once that relief which was perhaps essential to the accomplishment of American independence, and which, if

it had not been wholly denied to the usual course of tardy negotiation, might have come too late to produce the desired effect. Thus was the work of years accomplished in a few short weeks. But a few months had elapsed since Laurens had been seen in the ranks of the American Army "in the thickest of the fight." And, now, (having, in the mean time, thrice crossed the Atlantic and concluded a most important negotiation,) he was again on his native shores bringing with him immense treasures, the fruits of his labors, and furnishing pay and clothing to the suffering soldiery. In a few days after his arrival, he was again found in the camp, marshalling to glory the soldiers of liberty. Mr. H. said he would not attempt to follow him further in his glorious course. We all know that he fell at the head of his troops, gallantly fighting for the liberties of his country and the rights of mankind. It is delightful, said Mr. H., to reflect, that he fell "in the last of our fields," as if Providence, who had preserved him through so many perils, had permitted his career to be closed only when there were no more battles to be won.

It will hardly be believed by posterity that the hero, who fills so large a space in the annals of his country, died in his youth, not having yet attained his twenty-seventh year. As nearly connected with this subject, said Mr. H., it is worthy of remark, that Colonel Laurens was the purest and most disinterested of human beings. His political creed was that, in the hour of calamity, the life and fortune of the citizen is the property of his country, and that his services should be rendered gratuitously. Laurens received no pay, kept no private accounts, and most certainly never intended to demand, nor would have consented to receive, any compensation for his invaluable services, military and diplomatic. It was in the same spirit that, on one occasion, he declined a commission in the Army, tendered him as a reward for his gallantry; not, assuredly, from insensibility to its value, (for military glory was the idol of his soul, and promotion the very reward for which his heart panted,) but because, as he himself declared, his promotion might give offence to older officers, and thus be injurious to the public service. Mr. H. said, he knew not how better to combine in one view the various traits which marked the character of John Laurens, than by adopting the eloquent language of the American historian:

"Nature had adorned him with a profusion of her choicest gifts, to which education had added its most useful as well as its most elegant improvements. Acting from the most honorable principles; uniting the bravery and other talents of a great officer, with the knowledge of a complete soldier, and the engaging manners of a well-bred gentleman—he was the idol of his country, the glory of the army, and the ornament of human nature."

Mr. BENTON opposed, not only the allowance of the interest, but of the principal, also, as pro-

posed to be granted by this bill. He thought, as the daughter of Colonel Laurens was still alive, that she was the only person who had a just claim to the money proposed to be paid; and, if the bill were to pass, it should be in her favor.

Mr. HOLMES, of Maine, moved the recommitment of the bill, for the purpose of providing that the money shall be paid to the daughter of Colonel Laurens, or her assignee. But a motion to lay the bill on the table prevailed.

THURSDAY, January 8.

Case of Francis Henderson, Jr.

The Senate then resumed, as in Committee of the Whole, the consideration of the bill for the relief of Francis Henderson, jr. This bill proposes to grant a sum of money to Francis Henderson, jr., in full for services rendered to the country by his grandfather, Colonel John Laurens. The question before the committee was upon a motion by Mr. HOLMES, of Maine, to recommit the bill for the purpose of altering it, so far as to grant the money to Mrs. Henderson, the daughter of Colonel Laurens. This motion, at the request of Mr. BARBOUR, was withdrawn.

Mr. BARBOUR, after some further remarks on the nature of this claim, and in confirmation of those which he had previously made in Committee of the Whole, moved that the blank in the bill should be filled with the sum which the committee originally reported to be due for the expenses incurred by Colonel Laurens.

Mr. LOWRIE said that he had paid great attention to this subject, and he felt, after full investigation, that he could not vote for the bill, in any shape. As the subject had been discussed two days, he would now, in order to try the sense of the Senate, move its indefinite postponement.

Mr. ELLIOTT opposed the motion to postpone indefinitely. He said there could be no doubt that Colonel Laurens had really expended the moneys which the bill proposed to reimburse, and that the claim fairly came under the provision of Congress, existing at that time for the payment of the expenses of their foreign Ministers. The property left by Colonel Laurens to his family, had been diminished by these expenses; and it appeared no more than just that they should be paid. The circumstances under which the daughter was situated were such, that Mr. E. thought the money ought not to be given to her—he did not, therefore, see any impropriety in voting it to her son.

Mr. LLOYD, of Maryland, said he understood the question, as to passing the present bill, not to turn upon the justice of the claim, but, whether the person, whose name was mentioned in the bill, was fairly and legally authorized to receive the money. It was not asked as a bounty, but as a remuneration for services rendered, and expenses incurred; and it was imperative upon the Government to pay its just

debts; but it was also important to know who has the just claim to it. If Colonel Laurens had any claim upon the Government when he died, his daughter undoubtedly became the heir to that claim. When she married Mr. Henderson, he acquired the right to the claim. If the claim rests on the law, it is certainly highly important to know to whom it now belongs. If Congress were to pay it now, wrongfully, they would be bound, by every principle of justice, to pay it again hereafter, provided the proper person came forward to claim it. If Mr. Henderson were now separated from his wife, by covenant or contract, it became necessary to inquire how far that separation would affect the claim. What is the nature of that separation? Does it secure the right in this claim to Henderson? Until he could see some evidence on this subject, Mr. L. said he could not say what right the grandson had to receive this money. No one, Mr. L. remarked, could be more ready than himself to extend a fostering hand to those, and to the descendants of those, who had rendered distinguished services to the country, and no one was more sensible of the importance of the services rendered by Colonel Laurens; but he wished, before he was called upon to vote on this subject, to know to whom the money was due, and who had a legal claim to it—suppose, by a contract with his wife, that Henderson had been prohibited from receiving the amount of this claim—under such circumstances, how could he transfer a right to his son, which he did not himself possess? If it were paid to the son, in such a case, Congress might be called upon, by the wife of Henderson, to pay it again. These reasons, Mr. L. said, would induce him to vote for postponement, reserving it to the justice of the country to recognize the claim, when it came forward in a less dubious shape.

Mr. LANMAN made some inquiry as to the items in Colonel Laurens's account, which had been allowed by the Government; in answer to which, Mr. BARBOUR furnished the information required.

Mr. EDWARDS, of Illinois, believed that nothing less than an absolute divorce could deprive Mr. Henderson, the father, of the right to receive this claim. As no divorce had taken place, he surely retained that right; and, if so, he could transfer it to his son. If nothing more than a separation, without a divorce, had taken place, it did not vitiate the right of Mr. Henderson; and, as he had assented to the grant being made in favor of his son, there was no doubt in his mind, Mr. E. said, that the son of Henderson had a fair claim.

Mr. BARBOUR intimated his wish, provided the motion to postpone indefinitely were withdrawn, to propose an amendment to the bill, so as to require the relinquishment of all claims by Francis Henderson the father, and Frances E. Henderson the mother, previous to the payment of the money to Francis Henderson, junior.

JANUARY, 1824.]

Amendment of the Constitution.

[SENATE.]

Mr. LOWRIE accordingly withdrew his motion for indefinite postponement, in order to admit the amendment.

Mr. LLOYD, of Massachusetts, was in favor of the allowance of the claim; for, he believed that a wise liberality in conducting the affairs of the nation, was the most proper economy; he would not agree that one dollar of this money should go to the husband, or to the wife, in this case; but he felt perfectly willing to give it to the son, for his own exclusive use and benefit; he, therefore, proposed an amendment to strengthen the expressions used in that which was offered by Mr. BARBOUR.

Mr. EDWARDS, of Connecticut, expressed his reluctance to legislate at all on this subject, at this time, and renewed the motion for its indefinite postponement.

Mr. HAYNE opposed the postponement; he could see no good reason for refusing to act upon the claim. There could be no doubt, he thought, in the mind of any gentleman present, that there did exist an equitable claim for the services of Colonel Laurens; he had left a daughter; that daughter had married, and her husband was living; they had a son. Now, either the daughter, her husband, or her son, or all of them together, were entitled to this money; and to one, or to all of them, it ought to be paid. In the strict sense of the law, no one could recover it. It was left to the equity of Congress to pay it; and, whichever of the persons in question were to receive it, Congress could never be expected to pay it a second time. Mr. H. thought the son the most proper person to receive it. There could be no doubt that the blood of Colonel Laurens flowed in his veins; he was now about twenty-five years of age, and just entering upon a professional life. In the morning of his days, this money would be of the utmost importance to him.

Mr. CHANDLER believed the gentleman from South Carolina was mistaken, when he said that no man doubted the justice of this claim—he, for one, did not believe this money to be due—he believed that Colonel Laurens had received all the pay he had expected, or wished, from the Government—and there had not been sufficient evidence produced to convince him that this debt was due. He should, therefore, feel compelled to vote against it. He had no doubt that Colonel Laurens had rendered very essential services to the country; nor did he wish to diminish their importance—but he did not believe the present claim to be founded in justice.

On motion of Mr. KELLY, the bill was ordered to lie on the table.

Amendment of the Constitution.

Mr. BENTON, from the Select Committee, to whom was referred the several resolutions proposing amendments to the constitution, in regard to the election of President and Vice-President, reported the following resolutions; which were read, and ordered to be printed:

“Resolved, &c., That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be a part of the said constitution:

“For the purpose of choosing Representatives in the Congress of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the number of Representatives to which such State may be entitled. These districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of persons entitled by the constitution to be represented. In each of these districts, the persons qualified to vote for the most numerous branch of the State Legislature, shall choose one Representative.

“For the purpose of choosing Electors of President and Vice President of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress of the United States; which districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of persons entitled by the constitution to be represented. The persons qualified to vote for the most numerous branch of the State Legislature, in each of these districts, shall choose one Elector.

“The Electors, when convened on the day and at the place prescribed by law, for the purpose of voting for President and Vice President, shall have power, in case any of them shall fail to attend before noon of such day, to choose an Elector or Electors in place of him or them so failing to attend.

“The division of States into districts, as hereby provided for, shall take place immediately after this amendment shall have been adopted, and immediately after every future census, and apportionment of Representatives under the same. And such districts shall not be altered until another census shall have been taken, and an apportionment of Representatives under it, shall have been made.

“When the lists of all persons voted for as President and Vice President, and the number of votes for each, shall have been signed, certified, and transmitted, sealed, to the Seat of Government, as required by the constitution, the Senate and House of Representatives shall form a joint meeting, in which the President of the Senate shall preside, who shall open all certificates, and the votes shall then be counted. The person having the greatest number of votes for President, shall be President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then, from the highest numbers, not exceeding three, on the list of those voted for as President, the joint meeting shall immediately, by ballot, choose the President. A majority of the votes of all the members present shall be necessary to a choice on the first ballot, after which a plurality of votes only shall be necessary to a choice. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed. If no person have that majority, then he shall be chosen by the Senate, as directed by the constitution.

“Resolved, That no person, having been twice elected to the office of President of the United States, shall again be eligible to that office.”

Mr. BENTON gave notice that he should call

up the preceding resolutions, for consideration, a week from the next Monday.

FRIDAY, January 9.

Navy Pension Fund.

The amendment proposed by the Committee on Naval Affairs, to the bill from the House of Representatives, further extending the term of half pay pensions to the widows and children of officers, seamen, and marines, who died in the public service, was taken up in Committee of the Whole.

Mr. LLOYD, of Massachusetts, said, that the object proposed by the bill, as it came from the House of Representatives, was to extend the time of certain pensions which had been already granted on the Navy Pension Fund; and that the amendment, reported by the committee, was intended to repeal another law, now in existence, in relation to the same fund; that, in order to enable the Senate to judge correctly whether it were proper to concur in the bill on the table, or to amend it as proposed by the committee, it might be useful that he should briefly advert to the origin of the fund, its present state and situation, and the future prospects which were supposed to attend it. The Navy Pension Fund had its date in 1800. Prior to that time, during the Revolutionary war, and the early periods of the Federal Government, pensions had been occasionally granted to distinguished and meritorious Army and Navy officers, but no distinct fund had existed for the payment of those pensions, prior to the year 1800. At that time, Congress passed a law in which the prize money that had accrued during the *quasi* war with France, in 1798, and all money that should thereafter accrue to the United States from the sale of prizes, should, forever, be appropriated as a pension fund, for the purpose of providing for those officers, seamen, and marines, who had been disabled in the line of their duty, and become entitled thereto; and the faith of the United States was expressly pledged, if the fund should be found insufficient for this purpose, to make good the deficiency from its other sources of revenue; but, in case there should be a surplus income from the fund, beyond the charges on it, that then such surplus should be applied to making further provision for the disabled officers, seamen, and marines, and for such as, by a course of long-continued and faithful services, might merit the gratitude of their country.

This was the origin of the pension fund, in 1800, but the law of that year no further applied to the cases now under consideration, than that it shows the commencement and object of the fund; that it was to be perpetual; that the faith of the Government was pledged to supply any deficiency; and that part of the original appropriation constituted a part of the existing fund at the present time, and carried along with it all the provisions of the original law.

Thus the fund rested until after the commencement of the late war between the United States and Great Britain, when, in January, 1813, an act was passed, providing that, if any officer of the Navy or marines should be killed, or die by reason of a wound received in the line of his duty, the widow or child of such officer should be entitled to receive a pension for five years, equal to the half monthly pay of such deceased officer. The next year, 1814, the same provision was extended to seamen and marines; the pensions under both of these acts expired in course; and, in 1818 and 1819, other acts were passed, giving to those who enjoyed them an extended term of five years, making the pension for ten years instead of five; they have now again expired, or are about expiring, and the purpose of the present bill is to give them an extended operation of five years more, making the term of fifteen years instead of ten, as last provided.

In determining this question, the only interesting point with regard to it was, whether the income of the fund was sufficient for this charge upon it; for if it were not, as the faith of the Government was pledged to make up any deficiency, an inconvenient claim might be made upon its other resources. It had been endeavored, therefore, to ascertain this with precision, and Mr. L. believed he could very nearly, if not exactly, show the situation of the fund, even so late as the first of the present month.

There were then, as he understood, on the Navy pension list, three hundred and sixty-five male pensioners, receiving	\$27,283
Sixty-nine widows and orphans, of whom there were, as he believed, only three children, receiving	10,180
	\$37,413

To which might be added, the salary of the secretary of the fund, and some contingent expenses, probably making the aggregate disbursement for the past year amount to \$38,000.

Against this was to be placed the income of the fund, which consisted of \$781,411, invested in the most secure fund on the face of the earth, the funded debt of the United States—which gave an interest this year of \$45,984.

Ninety-nine thousand five hundred and two dollars, most unfortunately invested in the stock of one of the local banks, which, for the last six months, gave no dividend, and probably would not, for a considerable time to come; and, on which investment, if the stock were now sold, a loss would be sustained by the fund, of \$70,000. And \$29,000 of other bank stock, of better credit, in the District, which he would estimate as yielding, annually, a full rate interest of six per cent. per annum; thus giving, as the gross product of the fund, about \$48,000—and leaving a balance in favor thereof, of \$10,000.

JANUARY, 1824.] *Pensions to Widows and Children of Persons slain in the Privateer Service.*

[SENATE.]

This, Mr. L. said, was a cheering view of the subject, the unfortunate investment notwithstanding; and, recollecting that the fund has been created by the gallant enterprise of those whose descendants enjoyed it, that it was abundant for the purpose, and the pensioners to whom it was to be given had been selected heretofore as being worthy of the patronage, and entitled to the gratitude of their country, as the representatives of those who had nobly offered up their lives on the altar of patriotism, and had splendidly illustrated the naval character of their country, in every quarter of the globe, there could be no hesitancy in giving the extended term proposed, and in concurring with the bill from the House of Representatives, which the committee unanimously recommended.

The section proposed to be added to the bill, and which provided for a repeal of part of the present system, remained to be considered. The law referred to, was that of 1817, to amend and explain an act for giving pensions to the orphans and widows of persons slain in the public and private armed vessels of the United States; which, probably, originated under the influence of one of those impulses of humanity, which do so much honor to nations as well as individuals, but which was so broad and naked in its provisions, that, when understood—and a knowledge of it was now, he believed, fast extending—as to absorb, if acted on according to its letter, not only any surplus which the fund might give, but also to make a heavy tax on the public Treasury. The act provides that, if any officer, seaman, or marine, belonging to the Navy of the United States, shall die, (the expression gives a prospective operation, and the law is unlimited as to duration,) or shall have died, since 1812, in consequence of disease contracted, or of casualties, or of injuries, received while in the line of his duty—his widow or child shall be entitled to a half monthly pension for five years; and under the wording of this act, it is contended that, admitting men are received into service in good health, scarcely a death can occur, but what may be traced or attributed to some disease, casualty, or injury, received in the course of his duty; and the marine, perhaps a loose or itinerant member of society, who enlisted yesterday, if killed last night, while on duty as a sentinel round the Capitol, by the fall of a tile from its roof, or who, from patrolling its damp arcades, caught a catarrhal affection, producing consumption and terminating in death—the seamen who died in the Congress frigate off Manila, or at the Havana, those who were sufferers under Captain Spence on the coast of Africa, and the victims to the epidemic at Thompson's Island the last summer, are all of them entitled to give to their widows, or children, if they have them, a right to the claim of a pension or half monthly allowance of five years, under the present act. This, he would observe, is not an idle apprehension; cases

have occurred under it, and are increasing, while the commissioners, unwilling to admit a construction which they do not believe was ever contemplated, are still precluded by the letter of the law, from decisively rejecting the claims which have already arisen, and which cannot but rapidly multiply.

It never was, nor could have been, in the contemplation of the Government to give to every common seaman or marine, who, in time of peace, might die by disease contracted, or casualty occurring in the course of his duty, a right, after a day or month's service, to place his widow or his child on the pension list for five years; it was a perversion of the pension act, although the literal construction was a correct one, as he understood, in the opinion of the commissioners, as well as others; and to prevent the extension of this evil, after most scrupulously guarding the rights of all those who had received pensions, and of all those also who might, by possibility, be entitled to them up to the date of the repeal of the act, the amendment now offered was recommended, and in this recommendation the committee were also unanimous. The effect of it, if adopted, would be, to restore the pension fund to its original and legitimate uses; one of which, and perhaps the most important, was to excite to deeds of noble daring, and chivalrous achievement, the officers and seamen of our country, by the assurance which was given them that, if superannuated after long and faithful services, or if disabled, they would receive succor from their Government; or if slain, or dying from honorable wounds, that their widows and orphans should receive support, at least for a term of five years, from the proceeds of a fund, which ought sacredly to be preserved for these most useful purposes; leaving new or individual cases which may occur hereafter, to be provided for according to their merits.

These, Mr. LLOYD said, were the views which influenced the committee, and which he had thought it respectful to the Senate to communicate.

On motion of Mr. JOHNSON, of Kentucky, who also offered some remarks on the subject, the further consideration of the bill was postponed to Monday next.

WEDNESDAY, JANUARY 14.

NICHOLAS VAN DYKE, appointed a Senator by the Legislature of the State of Delaware, for the term of six years, commencing on the fourth day of March last, produced his credentials, was qualified, and took his seat in the Senate.

Pensions to Widows and Children of Persons slain in the Privateer Service.

Mr. PARBOTT submitted the following motion for consideration; which was read:

Resolved, That the Committee on Naval Affairs be

instructed to inquire into the expediency of continuing the pensions heretofore granted by law to the widows and orphans of persons slain in the private-armed vessels of the United States, or who may have died in consequence of any accident or casualty which occurred on board such vessels during the late war.

THURSDAY, January 15.

THOMAS CLAYTON, appointed a Senator by the Legislature of the State of Delaware, to fill the vacancy occasioned by the resignation of Cassar A. Rodney, produced his credentials, was qualified, and took his seat in the Senate.

FRIDAY January 16.

The Right of Pre-emption.

The Senate resumed the consideration of the report of the Committee on Public Lands unfavorable to the petition of Colonel Alexander A. White, who petitioned Congress to grant him the right of pre-emption to a small tract of public land, which he had settled, on the west bank of the Mississippi River.

Mr. JOHNSON, of Louisiana, moved to reverse the report, and, in support of this motion, he explained the nature of the claim, and offered his views at some length. It appears, from his statement, and from the papers which he read, that the petitioner was a distinguished officer of the late war; that when disbanded in 1815, being unable to purchase lands, and not knowing that the act of Congress, granting the right of pre-emption to settlers on the public lands in Louisiana, had expired, he settled on a tract of land belonging to the United States, situated on the Mississippi River, in the parish of West Baton Rouge, and had built houses, drained lands, and made considerable improvements thereon; that he had made a public road, and a levee, for near three miles in front of the land, which had reclaimed a considerable portion of the public lands from the inundation of the river, and added greatly to the value of the public lands in the vicinity. He prayed that Congress would grant him a donation, or pre-emption right to the land in question.

Mr. J. said, that the committee had reported against the claim, on the ground that the petitioner had settled in violation of the act of Congress of 1807, prohibiting settlements upon the public lands. He contended, that the act alluded to was passed to meet one or two cases of extraordinary character, and not to prevent emigration to the West, and that Congress had, in numerous instances, since that act passed, granted the pre-emption right to settlers in the new States and Territories; that sound policy required that the practice should still be continued; that it should be the object of the Government to strengthen the most exposed parts of the Union, by a dense white population; that such a population was particularly required in Louisiana to protect the country against internal commotion and external invasion; and he ar-

gued to show, that such a course would operate even to the advantage of the Government, in a pecuniary point of view, as it would add to the value of the public lands in the neighborhood. He complained of the delay, on the part of the Government, in not surveying and bringing into market the public lands in Louisiana, in consequence of which, those who had removed to that country had not been afforded an opportunity of purchasing public lands: and that emigration had been repelled from the country. Mr. J. contended, that, from the circumstances he had stated, this was one of the strongest cases which could occur; that the petitioner had been an officer of distinguished merit; that he had enlisted a company of men and served with great reputation throughout the Creek war; that, at New Orleans in an attack on the enemy, he was severely wounded, in consideration of which, and for his gallant conduct on that occasion, he was brevetted to the rank of a Lieutenant Colonel. Mr. J. said that, if distinguished services, if gallant conduct in action, if wounds received in fighting the battles of the country, give claims upon the favorable consideration of the Government, Colonel White was entitled to that consideration. He concluded by remarking, that the honorable member who commanded at New Orleans, (alluding to General Jackson,) would, he was persuaded, testify to the gallantry and distinguished services of Colonel White.

Mr. JACKSON confirmed the representation which had been made of the meritorious conduct of Colonel White, in the campaign at New Orleans, where he was, in the battle of the 23d December, severely wounded; and Mr. J. observed that, if gallant conduct, meritorious services, and severe sufferings, entitled any man to the boon he asked for from the Government, no one could have stronger claims than Colonel White, and he, for one, should give the petitioner his vote.

A debate ensued on this subject, which, from the number and talents of the gentlemen who engaged in it, and the earnestness and ability displayed, rendered it interesting, and would have entitled it to a full report, had the principle involved not repeatedly, heretofore, been the subject of the deliberations and acts of Congress.

Besides the gentlemen above named, the application of the petitioner was advocated by Messrs. SMITH, LANMAN, BENTON, and BROWN; and it was opposed by Messrs. BARTON, LOWELL, VAN DYKE, CHANDLER, BARBOUR, KING of New York, and MACON. In support of the claim were urged principally the reasons stated above—the merits, and services, and poverty, of the petitioner; the worthless quality of the land, in its natural condition, before the petitioner had reclaimed it by his labor, by the erection of embankments to keep the river from overflowing it, &c.; the additional value which this settlement and the improvements gave to neighboring public lands; the propriety of granting pre-emptive rights to encourage the settlement of the

JANUARY, 1824.]

Public Lands—Repeal of Trespass Act—Pre-emption.

[SENATE.]

waste public lands; former exceptions made by Congress to the law, &c. On the other hand, were urged the settled policy of the nation, solemnly adopted by Congress, in the passage of an act, forbidding all persons from setting down on any of the public lands; the impropriety of holding out encouragement to persons to violate the law by granting pre-emption to this petitioner who had, contrary to law, established himself on the public lands; that in acting on such a case the merits of the individual (which all acknowledged) ought not to be taken into consideration; that if the prohibitory law was wrong, it ought to be repealed, but while in existence it ought to be rigidly enforced, and not have impunity and encouragement held out to disregard and violate it, &c.

The debate continued, with much animation, until three o'clock.

The question being taken on Mr. JOHNSON'S motion to reverse the report and grant the prayer of the petitioner, it was decided by yeas and nays, as follows:

YEAS.—Messrs. Benton, Brown, Edwards of Connecticut, Hayne, Jackson, Johnson of Louisiana, Kelly, King of Alabama, Lanman, Smith, and Talbot—11.

NAYS.—Messrs. Barbour, Barton, Bell, Branch, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, King of New York, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Parrott, Rugles, Seymour, Taylor of Indiana, Thomas, Van Buren, Van Dyke, and Williams—32.

The report of the committee was then agreed to.*

MONDAY, January 19.

NICHOLAS WARE, from the State of Georgia, whose credentials were read and filed during the last session, attended, was qualified, and took his seat in the Senate.

Road in the Territory of Arkansas.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the surveying and making a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas;" and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

WEDNESDAY, January 21.

DANIEL D. TOMPKINS, Vice President of the United States, and President of the Senate, attended.

* This debate, and the vote which followed it, will show the low point at which the pre-emption system stood at that time in Congress—a system which was afterwards fought up into general popularity, and became incorporated as a permanent, and most beneficial part of the public land system.

Public Lands—Repeal of Trespass Act—Pre-emption.

The resolution proposed yesterday by Mr. JOHNSON, of Louisiana, proposing an inquiry into the expediency of repealing the act of Congress, "preventing settlements being made on the public lands, until authorized by law," was again read for consideration.

Mr. JOHNSON, in support of the resolution, said that, in the discussion which had taken place a few days since, upon the claim of Colonel White, the act mentioned in this resolution had frequently been alluded to, and several members had expressed their opinion that it ought to be repealed. Being of the same opinion himself, knowing that the operation of the law was very injurious to the interests of the State of Louisiana, and believing that it could never be the true policy of the Government to prevent the settlement of its lands; he had proposed an inquiry into the propriety of repealing that law. He thought that, so far from preventing the settlement of these lands, the Government should do all in its power to encourage it. Vast tracts of lands in the State of Louisiana yet remain unsettled, and it is not in the power of the State, under the present circumstances, to do any thing towards their settlement. Many of the lands in question had not even been surveyed. The power of the United States to hold such lands, waste and useless to the State in which they are situated, is doubted by many of the most enlightened and intelligent men. It was an opinion entertained, Mr. J. said, by many persons, who were highly competent to judge in such a case, that when the State was admitted into the Union, with all the privileges and powers belonging to the other States, that it had a right to the control over these lands—at any rate, to whomsoever this power belongs, it is obvious that the settlement of lands ought to be facilitated, and with a view to that object, he had submitted this resolution; as it merely proposed an inquiry into the expediency of repealing the law, he trusted it would not be objected to.

Mr. KING, of New York, thought it an unusual course to refer a subject of this kind to a committee; as it could as well be settled by the Senate, without such reference. He dissented entirely from the opinions advanced by the gentleman from Louisiana—he thought the true policy of the country was, to prohibit, by all possible means, the unlawful settlement of its lands. These lands had been purchased of the Indians, with money from the public Treasury—surveys had been instituted, at great expense to the nation—and the prices which the Government now puts upon its lands, are so very low, that no reasonable man can require that they should be less. The terms upon which they are offered, are highly advantageous to every one who is desirous to go there, and make settlement. Although the policy of France and Spain had been different, in regard

to the settlement of public lands, yet, Mr. K. thought our policy far the most unexceptionable, as it provides for a regular, just, and moral settlement, by fair and legal titles. Every one who wished to become the possessor of a portion of the land in question, could easily acquire a sure title to it. If such a regular and orderly settlement was to be produced, it could only be done by adhering to the system which the Government has adopted. Mr. K. asked gentlemen to consider, if the public lands were thrown open to every one who saw fit to settle upon them, without price and without title, whether there could be any guarantee for the security of property, in such a settlement.

If those extensive tracts of country of which the gentleman had spoken, were settled in that way, men would be sent to Congress to make laws for the people, who had themselves entirely disregarded the laws and the rights of property. Such a state of things would be deplorable indeed. The only men who are fit to make laws for the people, are those who hold their property by a just and fair title. He believed that Congress had ever been willing to do, and had done, every thing that was fair and equitable, to encourage the settlement of the public lands; and he had always thought that the system now acted on had greatly advanced that object. The greatest difficulties which had been encountered in the business, had arisen from the uncertainty of the French and Spanish titles. If this law, which is so necessary to the credit and the happiness of the country, were repealed, such a repeal would have a strong tendency to subvert the proper settlement of the lands belonging to the Government.

Mr. JOHNSON briefly replied to Mr. KING. Messrs. HOLMES, of Maine, and BENTON, made a few remarks on the subject; and the resolution was negatived by a considerable majority.

THURSDAY, JANUARY 22.

Amendment of the Constitution—Road and Canal Making Power within the States.

Mr. VAN BUREN rose, in pursuance of notice given on Wednesday last, to ask leave to introduce a joint resolution, proposing an amendment to the Constitution of the United States, on the subject of the power of Congress to make roads and canals. He said he was as much opposed as any man, to frequent alterations of the form of government under which we live, but he would make no apology for bringing this matter before the Senate, in so imposing a form as that of an amendment to the constitution. He would not do so, because he was entirely convinced that no one could dispassionately consider the present state of the question, to which his resolution relates, without feeling the imperious necessity of some constitutional

provision on the subject. It was not his intention, at this time, to enter into the discussion of the matter; he would only submit one or two general remarks in relation to it. Of the importance of the question, it was not necessary to speak. Suffice it to say, that, in its scope, it embraces the funds of the nation to an unlimited extent, and in its result must affect, as far as the agency of the Federal Government was concerned, the future internal improvement of a great and flourishing country. Is the power to make roads and canals, within the States, now vested in the Federal Government? Individuals, said Mr. V. B., may give their impressions, with their reasons for the various ingenious constructions they put upon the different parts of the constitution, to make out that this power exists; but all candid men will admit that there are few questions more unsettled. Whilst, in some States, the power is universally conceded, and its exercise loudly required, in others, its existence is as generally denied, and its exercise as ardently resisted. Is there cause to believe that, as the constitution now stands, a construction will obtain, which will be so far acquiesced in as to be regarded and enforced as one of the established powers of the General Government? He thought there was not. For about twenty years, this subject had been one of constant and earnest discussion. Efforts have, at various times, been made in Congress to exercise the power in question. They have met sometimes with more, and sometimes with less, favor. Bills, containing the assertion, and directing the exercise of this power, have passed the two Houses, and been returned, with objections, by two successive Presidents, and failed for want of the constitutional majority. The last Congress and the Executive were arrayed against each other, upon the question, and as far as a recent vote of the other House may be regarded as evidence of the present opinion of Congress, there is every reason to believe that such is now the case.

The Government has now been in operation rising of thirty years; and although the subject has always been a matter of interest, no law clearly embracing the power has ever yet been passed. There is, therefore, but little reason to hope, that, without some constitutional provision, the question will ever be settled. If the General Government has not now the power, Mr. V. B. said, that he for one, thought that, under suitable restrictions, they ought to have it. As to what those restrictions ought to be, there might, and probably would, be diversity of opinion. But, as to the abstract proposition, that as much of the funds of the nation as could be raised, without oppression, and as are not necessary to the discharge of existing and indispensable demands upon the Government, should be expended upon internal improvements, under restrictions regarding the sovereignty and securing the equal interest of the States, he presumed there would be little

JANUARY, 1824.]

Sloops of War.

[SENATE.]

difference of opinion. He could not but hope, that those who think the better construction of the constitution is, that Congress now have the power, would also consent to some amendment. They must, at all events, admit that it is far from being a clear, and certainly not a settled matter, and in view of the danger always attending the exercise of a doubtful right by the Federal Government against the persevering opposition of the several States, they would decide whether, instead of contesting this matter as it has been done for so many years, it would not be more for the interest of the nation, as well as the credit of the Government, to place the matter on well-defined ground. There were many strong reasons why he thought this course ought to be pursued, and which, at the proper time, he would take the liberty to urge. For the present, he would simply add, that, independent of the collisions of State interests, which this power is more likely than any other to produce, the exercise of it in the present state of the constitution, and with an Executive whose reading of it should be different from that of the present, and the two who last preceded him, could not fail to be grossly unequal among the States; because it is well known that there were some States who have invariably, and who will, as long as they prefer the inviolability of the constitution to their local interest, continue to oppose the exercise of this power with them. Without, therefore, the ability to prevent, they would be excluded from the benefits of its exercise. The course now proposed had been earnestly recommended to the last Congress by the present Executive, and, when the subject came up for discussion, he would endeavor to show that its adoption was called for by the best interests of the nation.

Leave was then granted, and Mr. VAN BUREN offered the following resolution, which was read, and passed to a second reading:

Resolved, &c., That the following amendment of the Constitution of the United States be proposed to the Legislatures of the several States:

"Congress shall have power to make roads and canals: but all money appropriated for this purpose, shall be apportioned among the several States according to the last enumeration of their respective numbers, and applied to the making and repairing of roads and canals within the several States, as Congress may direct; but any State may consent to the appropriation by Congress of its quota of such appropriation in the making or repairing of roads and canals, without its own limits; no such road or canal shall, however, be made within any State, without the consent of the Legislature thereof, and all such money shall be so expended under their direction."*

* It will be perceived that this proposed amendment of the constitution only extends to *States*, there being no question about the power of Congress to make these improvements in the Territories—even of purely local character.

FRIDAY, January 28.

Sloops of War.

The Senate then proceeded to consider, as in Committee of the Whole, the bill authorizing the building of an additional number of sloops of war for the Naval service of the United States.

Mr. PARROTT said that upon examination into this subject, he had found that the Government had, at different times, built twelve or thirteen vessels of the description proposed to be built, under this act; that this class of vessels were of the greatest use, both in peace and war; that the experience of the last year furnishes proof enough of their utility. The outrages committed by the pirates in the West Indian seas had shown the necessity of vessels of such a size as were best fitted to protect our commerce. In 1803, Congress had authorized the building of four vessels of sixteen guns; in 1804, two others were built; and in 1813, six additional vessels of the same class—making, in the whole, twelve vessels. By shipwreck, decay, and disaster, a considerable portion of these vessels were lost; and there now only remained three or four of them, and those not of the best kind. By passing this act, Congress would only restore the former number of sloops of war. The great amount of our trade to the West Indies, requiring the protection of the Government, could be protected in no better way than by this class of vessels; and when their general utility and efficiency were considered, Mr. P. hoped the bill would not be opposed. He said if the bill should pass, that probably all the vessels would not be built this year, and that the money would not be called for immediately; probably three years would elapse before the ten vessels, authorized by the bill, would be completed.

Mr. CHANDLER had no objection to this class of vessels; but he thought the Navy, both in respect to the large and the small vessels, was about to be increased beyond what the circumstances of the country require. He believed that if five vessels, of the class proposed in the bill, were built, it would be amply sufficient. He, therefore, moved to strike out the word "ten" from the bill.

Mr. LLOYD, of Massachusetts, read a letter from the Secretary of the Navy to the Committee on Naval Affairs, stating it as his opinion that the economy and convenience of the service required an addition of as many as ten vessels of this class. Mr. L. made some few remarks in support of the bill. He said that the small number of navy yards on our sea-coast, rendered it probable that not more than five or six of the vessels would be built the present year, if the act passed in its present shape; and, consequently, that not more than \$400,000 or \$500,000 of the money would be wanted within the year, and that economy in building them would be promoted by this delay, as the timber could be purchased, and time allowed for it to season.

SENATE.]

The Marquis De Lafayette.

[JANUARY, 1824.]

Mr. SMITH thought the Senate ought to have some regard to the finances of the country, while acting upon bills of this kind, and to recollect that this specific appropriation was over and above the annual appropriation of \$500,000 for the increase of the Navy; that not only the cost of building these vessels should be taken into view, but also the annual expense of supporting them afterwards; that the great demands upon the Treasury, for the disbursement of the public debt and other purposes, should be considered. He hoped, if the bill should pass, that the building of these vessels would not be confined to those places where the navy yards were established, but that contracts would be made in other ports, in order to give their mechanics a share of the business. He concluded by moving the postponement of the bill till Tuesday next.

Mr. LLOYD, of Massachusetts, did not rise for the purpose of opposing the postponement of the bill, for he was always in favor of giving time for inquiry, but he wished to raise his voice against building any public vessels by contract; he would not vote one dollar to build by contract. The pernicious effects of this mode of building had been sufficiently proved. In Great Britain, public vessels built by contract had frequently rotted before they were off the stocks.

Messrs. HOLMES of Maine, LLOYD of Maryland, MACON, and LOWRIE, each made a few remarks upon the subject, and the motion to postpone to Tuesday next, prevailed.

MONDAY, January 26.

The Marquis De Lafayette.

Mr. HAYNE, of South Carolina, from the select committee to whom was referred the resolution in relation to an intended visit of the Marquis De Lafayette to the United States, reported the following amended resolutions:

The Marquis De Lafayette having expressed his intention to revisit this country:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President be requested to communicate to him the assurances of grateful and affectionate attachment still cherished for him by the Government and people of the United States.

And be it further resolved, That, whenever the President shall be informed of the time when the Marquis may be ready to embark, that a national ship (with suitable accommodation) be employed to bring him to the United States.

The resolution having been read—

Mr. HAYNE said that the committee, to whom these resolutions were referred, had directed him to report them in a shape which, it is believed, will meet the wishes and accord with the views of every gentleman in this House. I may, said he, be permitted, individually, to indulge this hope, not only from the character of the proposition, but also from the unanimity which prevailed in the committee, composed, as

it was, with the single exception of him who now addresses you, of statesmen and soldiers of the Revolution; men who have fought and bled, or suffered in the cause of their country, and whose opinions are entitled to the highest respect.

I have seldom, said Mr. HAYNE, had a more delightful duty to perform than that of reporting these resolutions in honor of the Marquis De Lafayette—resolutions intended to give expression to the feelings of veneration and attachment which the people of the United States have always cherished for that gallant soldier and devoted patriot. After an absence from this country of nearly half a century, his services are still “freshly remembered,” while his virtues are enshrined in every American heart. There are men still left among us who were his companions in arms, or who, from their high stations in the public service, witnessed his exertions in the field. I behold some of them now around me, occupying seats in this Hall, and honoring, by their presence, the councils of their country; men whose heads have indeed been bleached by the revolution of many winters, but whose hearts time has had no power to chill. Their bosoms still swell with patriotic emotions, and the warm current of unbroken affection rushes strongly towards the friends of their youth and their old companions in arms. Perhaps there exists no stronger tie than that which binds the patriot and soldier to those with whom he has shared common dangers and achieved common victories. Such men, said Mr. H., will excuse me, the members of this honorable body will indulge me, while I dwell for a few moments on the character and services of the gallant Lafayette. We are, it is true, no strangers to his history, yet we may recall some of the incidents of his life with perfect satisfaction, as few men have ever exhibited so much purity in motive and so much virtue in conduct.

The era of the American Revolution found the Marquis Lafayette a young man, (only nineteen years of age,) in attendance at the Court of his sovereign, the King of France. A nobleman by birth, of a distinguished family, and the heir to a large fortune, he might be said, in the language of Lord Byron, to have been “bred an aristocrat.” That the earliest reflections of such a man should have made him aspire to the character of the benefactor of mankind; that his very first step should have placed him by the side of patriots and heroes who were fighting the battles of freedom, establishes beyond all question that he was a man “cast in no common mould.” While other noblemen of his age and standing were swelling the pomp and pageantry of power, he resisted the blandishments of the Court; closed his breast against the influence of pleasure; tore himself from his kindred and his native land to vindicate, in America, the rights of man. It is recorded by the historians of the day, that the American Commissioners at Paris, in consequence of an unfavourable

JANUARY, 1824.]

The Marquis De Lafayette.

[SENATE.]

avorable turn in the tide of our affairs, strongly dissuaded the youthful soldier from taking that decisive step, and it is positively asserted that the French monarch, so far from encouraging the enterprise, actually issued orders for his arrest. They were unavailing; for what obstacles are insuperable to the noble in soul—the firm in heart—the steadfast in purpose? Lafayette fitted out an expedition at his own private expense, and embarked himself and his fortunes in the cause of freedom. He arrived at Charleston early in 1777, and notwithstanding his extreme youth, was immediately appointed by Congress a Major General in the American Army. From that period to the termination of the contest, he performed, with extraordinary zeal and fidelity, all the duties incident to his exalted station, and proved himself, on all occasions, a high-minded and accomplished gentleman, a gallant soldier, and a consummate captain. At the battle of Brandywine he freely shed his blood in our service, and in the campaign of 1781 he was intrusted by WASHINGTON with the command of a separate army for the defence of Virginia. He fulfilled that high duty to the perfect satisfaction of the Commander-in-chief, and to the admiration of the whole country. It is sufficient praise to say that, on that occasion, he, with a very inferior force, baffled the skill and frustrated the plans of the “all-accomplished Cornwallis.”

All who knew Lafayette during the Revolution, bear united testimony to his uncommon merit. The histories of that day are filled with instances of his gallantry and good conduct. But why multiply proofs? His best eulogy was embraced in a single sentence: WASHINGTON *was his friend!* Witness the letter written by his own hand, while President of the United States, to the Emperor of Germany, (soliciting the release of the Marquis from the prison into which he had been thrown,) breathing in every line a brotherly affection; and in which he declares, “that his friendship for the Marquis Lafayette has been constant and sincere.” WASHINGTON never forgot—he never ceased to love him; and his last will affords evidence that he cherished for him feelings which not even the prospect of death could extinguish. Lafayette did not leave our shores until he had seen us a free and independent nation; and from that moment to the present he has claimed, as the proudest of his titles, that of an American citizen.

I will pass over the troubles in which he has been constantly involved since his return to France, with the single remark, that it will be recorded by the candid historian of this eventful age, that, amidst scenes of blood, in which unhappy France has been steeped, the hands of Lafayette were unstained; and though surrounded by temptations, before which the best hearts and best minds of Europe have fallen, he has “held fast his integrity to the end.” The United States have at no period been unmindful of the debt which they owe to the Marquis La-

fayette. They have recorded their gratitude, not merely by repeated votes of thanks, but by more substantial deeds; nor should it ever be forgotten that it was an American citizen who opened the doors of his dungeon at Olmutz.

Let it not be supposed that these resolutions are superfluous, or that they add nothing to the expressions of the national gratitude. The moral effect of measures of this character is very great. They act on public opinion, (that lever by which the modern world is moved;) they purify public feeling and ennoble public sentiment, teaching the rising generation the great lessons of patriotism and of duty. Republics have been charged with ingratitude, and Europeans, ignorant of the whole structure of our Government and the course of our policy, have supposed that the charge is justified by our own example. But when it shall, at some future period, come to be known abroad how the United States have, on all occasions, acted towards the Marquis Lafayette; when it shall be understood that, in addition to the other proofs of our gratitude, (which I am not disposed here to enumerate,) we approached him in his old age with the expressions of our affectionate attachment; it may perhaps be acknowledged that there can be no better inheritance than the gratitude of a free people.

There is another view of this subject, said Mr. H., entitled to some weight. It is the moral effect of the proposed measure on our own country. No one acquainted with the American character can doubt that the Marquis Lafayette will meet with such a reception here as is due to the friend of WASHINGTON. He will be met by the few survivors of the Revolution, (his former companions in arms,) with the warmth of an old and tried affection; he will find in the hands of some of them the treasured memorials of his ancient friendship; he will be greeted with enthusiasm by millions of freemen. How enviable will be the feelings of that venerable man, when, in traversing this great Republic, he shall behold everywhere the triumph of order, peace, political and religious liberty, unexampled prosperity, and unequalled happiness! and when he shall feel, and know, and hear it everywhere acknowledged, that these blessings are in part the fruit of his efforts!

The Marquis Lafayette has signified his wish to visit our country. He must not be suffered to approach it as an undistinguished stranger. He must come protected by the flag under which he has so often fought and so often conquered.

These resolutions are worthy of the National Legislature; they will find a response in every American bosom. I hope, I trust, they will pass the Senate as they have done the House of Representatives, by a unanimous vote.

The happiest moment in the life of the Marquis Lafayette was probably that when, finding that France had acknowledged the independence of the United States, he rushed into the presence of WASHINGTON, and throwing himself on

SENATE.]

Privateer Pension Fund.

[FEBRUARY, 1812.]

the bosom of his friend, burst into a flood of patriotic tears. But, should we pass this resolution, he is destined to experience still more exalted happiness, when he shall be assured, by the unanimous vote of the American Congress, "of the grateful and affectionate attachment still cherished for him by the Government and people of the United States," and when he shall be hailed by ten millions of freemen as their benefactor.

Mr. CHANDLER expressed his assent to the resolution as reported by the select committee. It was unanimously passed to be engrossed, and read the third time; and, subsequently, had its third reading, by general consent, and passed.

TUESDAY, January 27.

Sloops of War.

The Senate proceeded, as in Committee of the Whole, to consider the bill authorizing an additional number of sloops of war, for the naval service of the United States. On motion of Mr. LLOYD, of Massachusetts, the bill was amended, by inserting the words, "as soon as suitable materials can be procured," and, also, by striking out the clause respecting the sum to be appropriated.

Mr. LLOYD, of Massachusetts, rose in support of the bill. He went generally into a consideration of the merits of the bill, and gave, at length, an illustration of the usefulness and gallantry of the Navy of the United States, and of the expediency of increasing the Naval Establishment, by the addition of the ten sloops of war proposed in the bill, whether considered in reference to a due apportionment, or classification, of the naval force of the United States; as a school for the preparation of officers for higher and more important commands; and as a measure of economy, to prevent the employment of the larger vessels for the protection of our commerce on our own coasts, in the Mediterranean, and in the Pacific; and concluded by expressing his hope, that as many of the sloops of war should be authorized to be built forthwith as suitable materials can be provided for; and that preparation be made for building the remainder, not exceeding ten, the year ensuing.

Mr. CHANDLER was still opposed to this bill—he had no objection to an augmentation of the naval force, so far as it was necessary—but he thought it better not to build vessels faster than the service required; and that five vessels would be as many as were, at this time, necessary.

Mr. SMITH had no objection to providing that the materials for building the vessels in question should be prepared—for he thought it highly necessary that the timber should be seasoned—and he presumed the attention of the Navy Department would be confined to the purchase of the timber only, at present. He thought it was not necessary, at this time, to go into a consideration of the services rendered by the Navy.

Those who were once opposed to the Navy had now become its friends. At one time there had been a general antipathy towards a Navy, particularly among the persons then composing one of the great parties in the country; he, himself, had always been in favor of it.

But still it is possible we may go too far in the business of increasing the Navy. It is always an indispensable duty to keep an eye on the finances of the country. Congress should not go to such expenditures on account of the Navy as to make that unpopular which was now popular. This consideration had induced him to make the remarks on this subject which he made to the Senate the other day. And he felt glad that the gentleman from Massachusetts had seen fit to amend the bill so as to take the sense of the Senate upon his view.

Mr. LOWRIE said he had not yet obtained the information to which he had alluded when this subject was before the Senate some days since, and was not quite satisfied to vote for the bill. He wished to know what disposition was to be made of these vessels, if built. He believed those which we had already, of the same class, had been, for a considerable part of the time since the war, out of employ; and, if this were the case, it certainly could not be necessary to increase the number. If the vessels were absolutely requisite for the good of the service, he would be willing to vote for building them, even if it was necessary to borrow money for the purpose. He thought, however, that bills of this nature, making large appropriations, ought to originate in the other House.

Mr. PARROT made a few remarks in favor of the bill, and in confirmation of his observations, when the bill was before under consideration.

On motion of Mr. HAYNE, the bill was postponed to Friday next, and made the order of the day.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Isaac Kelly; and, on motion, the Senate adjourned.

MONDAY, February 2.

Privateer Pension Fund.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom the subject was referred on the 15th ultimo, by a resolution of the Senate, made a report, accompanied by a bill extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty on board the private armed ships of the United States, during the late war; and the report and bill were read, and the bill passed to a second reading. The report was ordered to be printed for the use of the Senate. It is as follows:

That, by a law of the United States, passed June 26, 1812, entitled "An act concerning letters of marque, prizes, and prize goods" it was enacted that two per centum on the net amount, after deducting

JANUARY, 1824.]

Privateer Pension Fund.

[SENATE.]

all charges and expenditures of the prize money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes, recaptured by the private armed vessels of the United States, shall be secured and paid over to the collector, if such captured or recaptured vessel may arrive in the United States, or to the consul or public agent of the United States, residing at the port or place not within the United States, at which such captured or recaptured vessels may arrive; and the money arising therefrom shall be held, and is hereby pledged, by the Government of the United States, as a fund for the support and maintenance of such persons as may be wounded or disabled on board the private armed vessels of the United States, in any engagement with the enemy, to be assigned and distributed in such manner as may, thereafter, be by law provided; that, by a law of the United States, passed February 18, 1813, entitled "An act regulating pensions to persons on board of private armed ships," the Secretary of the Navy was required to place on the pension list, under the like regulations and restrictions as are used in relation to the Navy of the United States, any officer, seaman, or marine, who, on board any private armed ship or vessel, bearing a commission of letter of marque, shall have been wounded, or otherwise disabled in any engagement with the enemy, and to allow certain rates of pensions, therein prescribed, payable from the said fund, and from no other; which said last-mentioned act was explained by an act passed August 2, 1813, entitled "An act to amend and explain the act regulating pensions to persons on board private armed vessels; and that, by another act, passed March 3, 1814, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States, pensions were authorized to be granted, for the term of five years, to the widows, and, in certain cases, the children, of those who shall die, or shall have died since June 18, 1812, by reason of a wound received in the line of their duty; which said term of five years was extended to a further term of five additional years, by an act passed April 16, 1818, entitled "An act, in addition to an act giving pensions to the orphans and widows of persons slain in the private armed vessels of the United States," in which further provision was also made for the widows or children of any officer, seaman, or marine, who should have died since June 18, 1812, in consequence of an accident or casualty which occurred while in the line of his duty on board a private armed vessel of the United States.

And the committee further report that the pensions granted or continued, under the aforesaid acts of March 3, 1814, and April 16, 1818, have now expired, or are about expiring; that the fund has its origin exclusively from the retention of a property which would otherwise have belonged to the parties, or their connections, receiving the benefit of it; that the faith or responsibility of the Government is not otherwise implicated, with regard to this fund, than that it should become its curator or guardian, from a principle of providence and benevolence, for the purpose of affording a shelter and support to those of the brave and hardy seamen of the United States, who, in time of war, may jeopard their lives in battle on the mountain wave, and thus, although in private armed vessels, promote the general interests of their country, by distressing the commerce, and by impairing the mercantile, if not naval, marine of its enemy; that the faith of the nation is not, in any degree, pledged for

the sufficiency, nor for any appropriation for the maintenance of this fund; that, by a faithful administration of its concerns, and a distribution of its proceeds, as far as they will meet the objects for which they were provided, the Government will have fulfilled all its duties in relation to those who are interested in it, and that those duties will have honorably expired with the extinction of the means in which they originated.

And the committee further report that, from information obtained from the Navy Department, it appears there are, at this time, on the Privateer Pension Fund, so called, and which is the fund herein referred to, ninety-seven invalids, disabled in action in the line of their duty, and that there are also ninety-nine widows, or orphans, of person slain or lost in private armed vessels, who now derive relief therefrom; that the aggregate annual amount of their pensions is \$17,608; that the principal of the fund consists of \$131,369 64 of the six per cent. funded debt of the United States, giving an annual income of \$7,882 17, leaving a deficit, including expenses, of about \$10,000, which has been, and must be, supplied as occasion may require, by a sale of part of the stock belonging to the fund, involving a consequent diminution thereof, and which it has, heretofore, been indispensable to make, as will more fully appear from the letter of the Secretary of the Privateer Pension Fund, bearing date January 24, 1814, accompanying this report, and which the committee request may be received and considered as part thereof, leaving, however, more than a sufficient amount to provide for, and meet a still further extension of the pensions already granted, for the term of five years, in addition to the present term allowed by law; and the committee, therefore, respectfully ask leave to bring in a bill for that purpose.

NAVY DEPARTMENT, Jan. 24, 1824.

SIR: In the absence of the Secretary of the Navy, I have the honor to reply to your letter of the 22d instant, inquiring into "the present state of the Privateer Pension Fund, as regards the principal and income thereof, and the number of pensioners upon it, with the amount of their pensions;" and I beg leave respectfully to state, for the information of the Committee on Naval Affairs of the Senate, that the Privateer Pension Fund consists solely of six per cent. stock of the United States, to the amount of \$131,369 64, yielding an annual income of \$7,882 17. Ninety-seven invalids, disabled in action, or in the line of their duty, and the widows or children of ninety-nine persons, slain or lost in private armed vessels, derive relief from the fund, and are authorized to receive, annually, the amount of \$17,608, viz: the ninety-seven disabled persons are entitled to receive \$6,664, and the ninety-nine widows, or their orphans, at the rate, per annum, of \$10,944.

The pensions to the persons disabled are granted during the continuance of their disability, and those to the widows or orphans for the term of ten years. The commencement of the pensions, respectively, takes place at different periods between the 18th of June, 1812, and the termination of the late war with Great Britain; and all the pensions granted to widows and orphans will expire between this and the 1st day of April, 1825. The number of invalid pensioners has been considerably diminished by death; and of the ninety-seven still retained on the list, several have not, for several years past, claimed their pensions. It is probable some of them are dead; some have recovered

from the effects of the injuries they had sustained; and others are absent from the United States.

Pensions, to the annual amount of \$20,568, have been granted to the widows or orphans of one hundred and ninety-seven persons, slain or lost in private armed vessels; and ninety-eight of these pensions, amounting, annually, to \$9,624, have expired; some by the limitation of their term; some by death, and others by the intermarriage of the widows, without leaving children who had been under sixteen years of age at the time of their parent's decease.

The money which accrued to the Privateer Pension Fund, and by which it is constituted, arising from a deduction of two per centum on the net proceeds of prize money from captured vessels and their cargoes, and also on the salvage of vessels and cargoes recaptured by the private armed vessels of the United States, was, successively, on its receipt into the Treasury, invested in stock of the United States. The amount of stock thus acquired was, at one time, \$209,580 65; but the interest on this sum, \$12,574 84, proving insufficient for the discharge of the numerous claims admitted under the different acts authorizing the issue of pensions, especially under the act approved the 16th of April, 1818, it became indispensable either to sell part of the principal, or apply to Congress for a special appropriation in aid of the fund. The former course was preferred, and stock to the value of \$87,451 80 has been sold, at various times, since June, 1819; and, to meet the semi-annual payments, which will become due on the first days of January and July, every year, further sales of the principal will be inevitable, until, at least, the whole of the pensions granted to the widows and orphans shall have been liquidated.

Should the honorable committee, of which you are chairman, desire more particular information in relation to the Privateer Pension Fund, I would respectfully refer you to a detailed report on the subject, made by the Secretary of the Navy, on the 27th of March, 1820, to the honorable the Speaker of the House of Representatives.

With the highest respect, I have the honor to be, sir, your most obedient servant,

JOHN BOYLE,

Sec'y Privateer Pension Fund.

HON. JOHN LLOYD, *Chairman, &c.*

TUESDAY, February 8.

Amendment of the Constitution—Election of President and Vice President by a direct Vote of the People.

The order of the day, being the proposition submitted by Mr. BENTON, to amend the Constitution of the United States, in regard to the election of President and Vice President, was again taken up. Mr. BENTON resumed, and concluded his remarks on the subject, as given entire as follows:

Mr. BENTON said he would offer no apology for attempting to amend the constitution. It was his right, and, if sincere in his belief of its necessity, it was his duty to do so. He apprehended no evil from the multitude of amendments proposed, but thought it more probable that beneficial amendments would be rejected than that injurious propositions would be

adopted. It was no easy thing now to effect an alteration in the constitution. The difficulty of carrying an amendment through the process of ratification, presented a great obstacle, and the temper of the American people presented another, not less formidable. Though full of law-making, even to superfluity, upon subjects of ordinary policy, the people discover no disposition to make alterations in their fundamental code. On this point they seemed disposed to answer, like the old English Parliaments, when preparations were made to change the common law, "*Nolumus leges anglie mutari.*" Applauding this sentiment, Mr. B. said it behooved him to justify himself to the Senate for having submitted a proposition of amendment. The justification could be readily made. It would be found in the fact, that the case had occurred which the framers of the constitution had foreseen, and for which they had provided a remedy by providing the means of amendment. These great men knew that it was one thing to lay down a plan of Government upon paper, and another to put that Government into practical operation. They knew that the theory might be perfect, and the practice vicious; that experience was the only infallible test of good or bad institutions; and, despising the arrogance of an overweening confidence in the perfection of their own work, they not only provided the means of amending the constitution, but they relied upon this capability of amendment as one of the chief arguments in favor of the adoption of the instrument itself. Their language was, "experience must guide our labor; time must bring it to perfection; and the feeling of inconvenience must correct the mistakes into which we inevitably fall in our first trials and experiments."—(*Federalist*, No. 85.) In this spirit they provided a mode for reforming the constitution, and gave the power of originating the reform both to the Federal and the State Governments, that neither might be dependent upon the other for the exercise of a power on which its own preservation might depend. In fixing upon the manner of making amendments, they flattered themselves that they had hit upon a mode equally remote from that extreme facility which would make the constitution too mutable, and that extreme difficulty which would give perpetuity to its detected defaults. And, if they have erred in this judgment, they have erred upon the safer side; upon the side of difficulty, and not of facility, in changing the principles of our fundamental code.

The amendment submitted applies to that part of the constitution which relates to the election of President and Vice President of the United States. Stripped of formal phrases, and minute provisions, and it presents four distinct propositions to the consideration of the Senate:

1. To divide the United States into Electoral districts.
2. To discontinue the use of intermediate Electors.

FEBRUARY, 1824.]

Amendment of the Constitution.

[SENATE.]

3. To commit the election to a direct vote of the people.

4. To continue the umpirage of the House of Representatives, in all cases, in which no candidate has received a majority of the whole number of votes.

The *first* of these propositions has often been before the Senate; the *second* and *third* are now considered new, because it is forgotten that they were offered and discussed in the Convention which framed the constitution; and the *fourth* is strictly defensive, intended to sustain a part of the constitution now in force.

Mr. BENTON proceeded to argue the propositions in the order laid down.

First: To divide the United States into Electoral districts.

We are struck with the want of uniformity in the manner of choosing Electors in different parts of the Union. Seven States, entitled to seventy Electors, choose them by districts; seven others, entitled to seventy-one Electors, choose them by a legislative ballot; and the remaining ten, entitled to one hundred and twenty, choose them by a general ticket. In the old monarchies of Europe, a want of uniformity in the operation of the Government is natural, because they are composed of conquered provinces, badly amalgamated, and each retaining a part of its former laws and customs; but, in the United States, composed of sovereignties voluntarily united, and all acting under the same clause of the same constitution, made by themselves, such deviations are most unnatural, and imply a great fault in the constitution itself, or in its administration by the State Legislatures. The evil of a want of uniformity in the choice of Presidential Electors, is not limited to its disfiguring effect upon the face of our Government, but goes to endanger the rights of the people, by permitting sudden alterations on the eve of an election, and to annihilate the right of the small States, by enabling the large ones to combine, and to throw all their votes into the scale of a particular candidate. These obvious evils make it certain that any uniform rule would be preferable to the present state of things. But, in fixing on one, it is the duty of statesmen to select that which is calculated to give to every portion of the Union its due share in the choice of the Chief Magistrate, and to every individual citizen a fair opportunity of voting according to his will. This would be effected by adopting the *District System*. It would divide every State into districts, equal to the whole number of votes to be given, and the people of each district would be governed by its own majority, and not by a majority existing in some remote part of the State. This would be agreeable to the rights of individuals: for, in entering into society, and submitting to be bound by the decision of the majority, each individual retained the right of voting for himself wherever it was practicable, and of being governed by a major-

ity of the vicinage, and not by majorities brought from remote sections to overwhelm him with their accumulated numbers. It would be agreeable to the interests of all parts of the States; for each State may have different interests in different parts; one part may be agricultural, another manufacturing, another commercial; and it would be unjust that the strongest should govern, or that two should combine and sacrifice the third. The district system would be agreeable to the intention of our present constitution, which, in giving to each Elector a separate vote, instead of giving to each State a consolidated vote composed of all its Electoral suffrages, clearly intended that each mass of persons entitled to one Elector, should have the right of giving one vote, according to their own sense of their own interests.

The general ticket system, now existing in ten States, was the offspring of policy, and not of any disposition to give fair play to the will of the people. It was adopted by the leading men of those States, to enable them to consolidate the vote of the State. It would be easy to prove this by referring to facts of historical notoriety. It contributes to give power and consequence to the leaders who manage the elections, but it is a departure from the intention of the constitution; violates the rights of the minorities, and is attended with many other evils. The intention of the constitution is violated, because it was the intention of that instrument to give to each mass of persons entitled to one Elector, the power of giving that Electoral vote to any candidate they preferred. The rights of minorities are violated, because a majority of one will carry the vote of the whole State. This principle is the same, whether the Elector is chosen by general ticket or by legislative ballot; a majority of one, in either case, carries the vote of the whole State. In New York, thirty-six Electors are chosen; nineteen is a majority, and the candidate receiving this majority is fairly entitled to count nineteen votes; but he counts, in reality, thirty-six; because the minority of seventeen are added to the majority. These seventeen votes belong to seventeen masses of people, of forty thousand souls each, in all six hundred and eighty thousand people, whose votes are seized upon, taken away, and presented to whom the majority pleases. Extend the calculation to the seventeen States now choosing Electors by general ticket or legislative ballot, and it will show that three millions of souls, a population equal to that which carried us through the Revolution, may have their votes taken from them in the same way. To lose their votes is the fate of all minorities, and it is their duty to submit; but this is not a case of votes lost, but of votes taken away, added to those of the majority, and given to a person to whom the minority is opposed.

Mr. B. would be unwilling to use a harsh epithet, but he considered this case as amounting to an impressment of civil rights, more

dangerous to our liberties than the impressment of our bodies by British ships of war. Free elections are the corner stones of all our institutions, and our citizens are sufficiently sensible to all attempts to destroy that freedom by violence. The violation of the right of one single vote, by a military force, would excite the indignation of the whole continent, and the disbandment of our six thousand men would not be enough to relieve us from future apprehension. Yet legislative enactments may be equally fatal, and are, in reality, more dangerous to the United States, because less dreaded.

A further mischief of the general ticket system is, in segregating the States, drawing them up against one another, like hostile ships in battle. Out of this system has sprung the anti-social words of modern invention—"effective votes," "operative votes"—as if the States were contending with Turks or Russians. This alienates the States from each other, and fills them with hostile feelings, and the President elected must become the President of the States which choose him, and look with coldness and resentment upon those which opposed him.

The choice of Electors by legislative ballot is subject to all the objections which apply to the general ticket system, and to others of the gravest kind. In the first place, it seems to me to be a direct infraction of the Constitution of the United States, and an open usurpation of the rights of the people.

The words of the constitution are: "Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress," &c.

The analysis of this clause shows that two powers are required to act: first, the Legislature, which is to direct the manner; and, secondly, the State, which is to appoint the Electors.

Are the words "State" and "Legislature" synonymous?

The word State is a comprehensive term. It takes in all sorts and sizes of government, but always requires three constituent principles, to wit: people, territory, and sovereignty. In the Constitution of the United States it has a precise meaning, too obvious to be insisted upon here. It is never confounded with the words "Convention" or "Legislature." When the "State" is to do a thing, the people of the State are to do it, and a legislative body is not competent to act, because it is not the State, but a department of it. The constitutions of all the States declare the legislative body to be a department only. Whenever the Constitution of the United States intended the Legislatures of the States to do an act independent of the people, it has expressed its intention in terms wholly unequivocal, as in the appointment of Senators in Congress—"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legisla-

ture thereof for six years," &c. In the mode of ratifying amendments to the constitution, the distinctions are again explicit: "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this constitution, &c., which shall be valid, to all intents and purposes, as part of this constitution, when ratified by the Legislatures of three-fourths of the States, or by conventions in three-fourths thereof." It would be absurd to admit the Legislature to be the State, for, in that case, there would be no State when the Legislature was not in session. Certainly, it seems to be a loss of time to employ words upon a difference so palpable; but it is necessary to mark it, for the question now to be decided turns upon the distinction between the appointing power of the State and the directorial power of the Legislature, over the forms of the election.

No argument in favor of this legislative pretension can be bottomed on the word "appoint." Literally, it may refer to the act of any number. In common parlance, it refers to the act of an individual, and that individual a superior, as "the King appoints his Ministers." In the constitution, it is used synonymously with *elect* and *choose*. It is so used in an after clause of this same article, and in reference to this identical appointment of Electors—"Congress may determine the time of choosing the Electors, and the day on which they shall give their votes," &c. In fine, the word "appoint" was evidently used to avoid that figure of speech which the rhetoricians call tautophony, that ungraceful repetition of sound which would be produced by saying "elect Electors."

The word "manner" can imply nothing but form—as the mode of conducting the election, taking the votes, certifying the returns, &c.

The word "direct" is less susceptible of misconstruction than any one in the clause; and, above all others, has been farthest deviated from. It always implies an address to a third party, and never to one's self. It is incapable of being so used. A man may regulate his own conduct, but he directs that of others. A parent directs his child; a tutor directs his pupil; a general directs the operations of his army; a legislative body may direct the people how to go through the forms of an election; but a man cannot direct himself; a legislative body cannot direct itself. There is not a book in the English language which uses the word in this sense; not one, from the little primer, that comes to us in company with the birchen rod, up to the ponderous folio of Johnson. No man acquainted with the power of language would so use it; much less the eminent men who framed the constitution with so much ability, both as scholars and statesmen, and with such scrupulous regard to the precise meaning of every word admitted into that important instrument. But the Legislatures of seven States have so used it, and the question is, not whether they are right or wrong, but whether they have the right to

FEBRUARY, 1824.]

Amendment of the Constitution.

[SENATE.]

after the fixed meaning of a plain English word, for the purpose of investing themselves with a power which the constitution had given to the people of the States?

Mr. B. asserted the obvious meaning of the clause to be the same as if it had been conceived in the following words: "The people of each State shall elect, in such form as the Legislature thereof may prescribe, a number of Electors, equal," &c. Instead of which, the Legislatures referred to had practised under it as if written: "The Legislature of each State shall elect, in such manner as they and each of them shall severally please, a number of Electors, equal," &c.

Thus, upon the words of the constitution, it is clear that the people of the States, and not the Legislatures of the States, have the right to choose Electors of President and Vice President.

The construction put upon the constitution, at the time of its adoption, proves the same thing.

Mr. Madison, in the Virginia convention, said, "The people choose the Electors."

The Federalist says the same thing, in twenty places. No. 68 repeats it four times. It describes the Electors as "men chosen by the people, for the special purpose" of choosing the President. It describes them as "a small number of persons selected by their fellow-citizens from the general mass." It says the constitution has "referred the election of the President, in the first instance, to an immediate act of the people of America, to be exerted in the choice of persons for the temporary and sole purpose of making the appointment." And it speaks again of the Electors as "a special body of representatives, deputed by the society for the single purpose of making the important choice."

To this list of authorities may be added the Legislatures of seventeen States, which have prescribed the forms of choosing Electors, and left it to the people themselves to make the choice.

Having quoted these constructions of the constitution to prevent misapprehension, Mr. J. would give his opinion upon the effect which they should have upon the decision of the Senate.

He did not admit that any Senator, or any other officer whose duty it became to expound the constitution, was bound by a previous construction. He did not admit that they were in the condition of judges, construing a statute, and tied down by respect to their brothers, and the practice of a thousand years, to obey the previous decisions in analogous cases. Their duty depended upon a peculiar obligation to be found in the constitution itself. All legislators have been anxious to perpetuate their work, and all have had recourse to the security of oaths. Lycurgus swore the Spartans to maintain his laws until his return, then went abroad, died, and had his ashes scattered in the air. The framers of the American Constitution invoked the aid of the same security, but without

limitation of time or circumstance. In Article 6 they have required that—

"The Senators and Representatives in Congress, the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution."

Upon this oath, each person intrusted with the great duty of expounding the constitution is bound to go back to the words of the instrument itself, whenever a question of construction arises. He may and ought to consult the opinions of others, in order to enlighten his own. He may quote the opinions of others to give greater weight to his own; but he cannot surrender his own in favor of another, which he believes to be wrong, without disregarding the obligation by which he has bound himself to support this constitution.

The reasons which induced the Convention of 1787 to institute an intermediate body of Electors, the attributes which they were to possess, and the dangers from which they were to be free, will equally show that legislative bodies were not intended to choose the Electors, much less to erect themselves into Electoral colleges. These reasons, attributes, and apprehended dangers, will be found stated in the Federalist, No. 68, but, for the sake of brevity and perspicuity, will be presented to the Senate under the heads to which they belong:

1. The Electors are to be chosen within thirty-four days before the first Wednesday in December.
2. They are to be chosen for the sole purpose of electing the President and Vice President.
3. They are to meet on the same day throughout the Union.
4. They are to sit but one day.
5. The Electoral colleges are not to be subject to caballing.
6. They are not to be pre-existing bodies.

In bringing the legislative bodies to the test of these reasons and attributes, they will not only be considered in their apparent capacity of electors of Electors, but in their real character of Electors of the President of the United States.

First. The Electors are to be chosen within thirty-four days before the day of electing the President.

The reason for fixing an interval so short is sufficiently obvious. In the first place, it delays the choice of Electors until there is full time for all the Presidential candidates to be known. In the second place, it allows no time for combinations to be formed between the Electors of different States, or for the Electors themselves to be bribed or intrigued with. Yet the members of the Legislatures, in the seven States referred to, are elected, one, two, three, and even four years before the day of electing the President. None of them are chosen for a shorter time than one year, most of

them for two, and the Senators of several are chosen for four years! The whole of them are obnoxious to the objections against which the constitution intended to guard. There is ample time for intrigue, for corruption, and for combinations. The voice of the people has but an indirect operation when the members of the Legislature are chosen one year before, and none when they are chosen two, three, or four; for, at that time, the names of the candidates are unknown, and the Presidential election unthought of by the body of the people.

Secondly. The Electors are to be chosen for the sole purpose of electing a President and Vice President.

The reason of this qualification needs no illustration. It was clearly intended to close the door against the possibility of bartering votes by giving to the Electors but one single subject to vote upon. How will the legislative bodies stand the test of this reason? When chosen within some months, or a year, before the time of electing the President, they are chosen partly for that purpose and partly for many other purposes. Some knowing ones, some furious partisans, and some equally furious enemies, may surrender all considerations for the single object of getting in a man who will be for or against a particular candidate for the Presidency; but with the body of the people, the legislative duties will be the first consideration, and the Presidential election nothing but an ingredient, mixing itself in different proportions in the main inquiry. This is the best aspect of the question, and must be confined to elections which take place within some months, or within a year before the President is chosen. To those which come on two, three, or four years before, the Presidential election is entirely out of view. So far from being chosen for the sole purpose, the members of the Legislature are not even thought of for the purpose of electing the President. Strong as this case is, there is still a more flagrant point of view in which to exhibit it. It is the case of a legislative body, elected purely for legislative purposes, and afterwards repealing the laws which directed the people how to go through the forms of the election, and seizing into their own hands the whole power of appointing the Electors. This is not an imaginary case. It has repeatedly happened. It is sufficient to name one instance; that of New Jersey, in the year 1812, in which the Legislature thus invested itself with the power of appointing Electors about three days before the people would have exercised it. When met in the Legislature, innumerable are the opportunities and temptations to barter votes. Judges, generals, governors, and many other State officers are to be elected. Towns are to be laid off, peradventure on some member's land. New counties are to be erected for the benefit of a clerk, a sheriff, and a colonel; peradventure, also, members at the time. Many other local interests are to be accommodated. The members interested in all these domestic ques-

tions are laid under violent temptations to exchange votes with the friends of a Presidential candidate.

Thirdly. The Electors are to meet on the same day, throughout the Union, and to vote for President and Vice President.

The Legislatures meet on the days fixed by the State constitutions, or on the days which they themselves fix by law. In neither case are they governed by the Constitution of the United States. When met, the Legislature, at any time that it pleases, enters upon the business of choosing a President; and, when the choice is made, a farce is got up to appease the manes of the constitution. Nominal Electors are chosen, and sent to the place where the votes of the State are to be counted. Instead of going to vote for President, they carry the votes in their pockets, the same which they have received from the legislative body. These votes are shown and counted, and the form of an election is gone through, but no more of the substance than there is of a wedding in the annual marriage of the Doge of Venice with the Adriatic Sea. The real election was held weeks or months before, when the legislative body selected their candidate; and the nominal Electors are nothing but messengers, trusted to bring the votes to the place of counting, and without any more power over them than the messenger afterwards employed by themselves to take up these same legislative votes, and bring them on to the seat of Government.

Fourthly. The Electoral Colleges are to sit but one day.

The reason for limiting the Electors to this transient existence, was to prevent the possibility of intrigues and corrupt practices, by denying the time that would be necessary to carry them into effect. But the sittings of the legislative bodies are not under the control of this limitation. They sit as long as they please—usually several months—and during all that time it is beset, like a besieged fortress, by armies of intriguers; cannonaded with books and with pamphlets; bombarded with newspapers; perforated with the rifle shot of private and confidential letters; and undermined by the silent operations of sappers and miners.

Fifthly. The Electoral Colleges were not to be subject to *caballing*.

The framers of the constitution sought to protect the Presidential election from the influence of that occult management which is the bane of republican councils. They thought they had succeeded when they instituted Colleges of Electors, composed of few persons, selected for their elevated character; brought together suddenly; confined to the discharge of one single duty, and dispersed in the short space of twenty-four hours. But legislative bodies are the reverse of all this. They are the true field for caballing; the theatre adapted to the talents of such men as the five Cabinet Ministers of Charles the Second; to the initials of whose names, combined with their charac-

FEBRUARY, 1824.]

Amendment of the Constitution.

[SENATE.]

ters, the world is indebted for the political signification of the Hebrew word *cabal*. The Legislature of Pennsylvania afforded a signal example in the year 1800. The two Houses differed in the choice of President. They would neither pass a law to direct the people how to hold the election, nor would they vote together. There was a majority of "two" in the Senate, and this lean majority, in the leanest branch of the Legislature, paralyzed the power of the State, and forced a compromise with the other branch, by which the elective power of the people, like the spoil of a vanquished enemy, was divided between themselves, each naming one-half the Electors!

Sixthly. The Electoral Colleges were not *pre-existing* bodies.

For the obvious reason that they might not be tampered with, beforehand, to prostitute their votes. Yet the legislative bodies are pre-existent, to the extent of one, two, three, and even four years; and, during all this time, are subject to the danger from which it was the intention of the constitution that the Electors of the President should be free.

Upon each of these reasons the legislative pretension to choose Electors is condemned. But there is one more argument to be brought against them; an argument not invented, but found; not taken from the head, but drawn from the page of American history; from the Journal of the Convention of 1787, from the act of the great men who framed the constitution. An argument of that conclusive nature which only requires to be stated to silence opposition.

[Here Mr. B. read from the Journal of the Convention, pages 92, 190, 324, 333, to show that it was proposed, at one time, to have Electors chosen by the Congress; at another to have them appointed by the Governors of the States; at another, to vest the power of choosing them in the Legislatures of the different States; that this latter proposition was actually adopted at one time, on the 19th of July, and remained in the plan of the constitution until the 6th day of September following, when it was struck out by a vote of nine States against two. New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and Georgia, in favor of striking out; North and South Carolina in favor of retaining the clause.]

Mr. B. believed that all attempts to amplify such an argument as this would only weaken it. He had tried the legislative pretension by the words of the constitution; by its contemporaneous construction; by all the reasons which led to the institution of Electoral Colleges, and by the vote of the Convention passing upon the identical point in question; and, upon every trial, the pretension was condemned, and stood before the Senate as a direct infraction of the constitution, and an open usurpation of the rights of the people.

Nothing has been said to justify it. On the contrary, the excuses and apologies for the gen-

eral ticket and legislative systems, have turned upon the admission of their impropriety. The Senator from New York, (Mr. VAN BUREN,) in that spirit of amity, concession, and mutual deference, which cannot be too much admired, has even proposed to surrender both these systems, upon condition, nevertheless, that the small States should surrender their right to an eventual vote for President, by States, in the House of Representatives. He has called this a compromise, and has certainly urged it upon the Senate with unaffected and becoming seriousness. But the proposition cannot be met. The terms are not equivalent. On the part of the great States, it is proposed to relinquish a power, usurped from the people, in violation of the constitution; on the part of the small States, it is proposed to surrender a constitutional right: the one growing out of ambition and schemes of domination, the other granted to the small States for the preservation and security of their rights. Others place the apology upon different grounds. They run over a list of the States which have adopted these modes, and then say they must adopt the same, by way of self-defence, and that they will discontinue it when the rest will do so. Thus, these States take the attitude of Cæsar and Pompey, each declining to disband his army first. They prefer to violate the constitution, and to outrage the rights of the people, rather than be the first to set an example of justice and moderation.

Two questions, of great delicacy, now present themselves:

1. If Electors are not appointed according to the constitution, can their votes be counted?
2. If objected to, who shall judge them?

It is the duty of the two Houses of Congress to count the votes. Can they count unconstitutional votes? If they cannot, shall they not judge every vote before it is counted?

Mr. B. would not debate these questions. He hoped that the time might never arrive when it should be necessary to debate, much less to decide them. The country had seen the agitation of 1800, and the still greater agitation of 1820; yet these were nothing but gentle breezes, dead calms, compared to what might be expected if Congress should sit in judgment upon the votes of seven States. Yet, if it shall become their duty, shall they hesitate? Shall they flinch from the defence of the constitution which they have sworn to defend, because seven States may stand ready to light up the flames of civil war, if not permitted to violate that sacred instrument according to their own will and pleasure? He spoke hypothetically, and with all the respect for the States referred to which was compatible with the undissembled expression of his own opinion. It was not his intention to start a new discussion, or to excite feeling, but to have the advantage of a new and powerful consideration in favor of the district system—in favor of some uniform mode of choosing the President; and thus bringing back these States to the path of the constitution, by

the gentle means of an amendment, pointing at no one in particular, and bearing upon all alike.

Mr. B. proceeded to argue the second proposition which he had submitted to the consideration of the Senate, to wit: to discontinue the use of an intermediate body of Electors in the choice of President and Vice President of the United States. He read from the *Federalist*, No. 68, to show the views with which Electors were instituted:

"It was equally desirable that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances most favorable to deliberation, and to a judicious combination of all the reasons and inducements that were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite in so complicated an investigation."

By the constitution it was intended that the electoral office should be one of the first dignity in the Republic. The Electors were to be selected; men, chosen by the people on account of their superior virtue and intelligence, and left to make choice of a President, according to their own enlightened understandings, without the slightest control from the less informed multitude. This was the intention, but the plan has wholly failed in the execution. The Electors are not independent; they have no superior intelligence; they are not left to their own judgment in the choice of President; they are not above the control of the people; on the contrary, every Elector is pledged, before he is chosen, to give his vote according to the will of those who choose him. He is nothing but an agent, tied down to the execution of a precise trust. Every reason which induced the convention to institute Electors has failed. They are no longer of any use, and may be dangerous to the liberties of the people. They are not useful, because they have no power over their own vote, and because the people can vote for a President as easily as they can vote for an Elector. They are dangerous to the liberties of the people, because, in the first place, they introduce extraneous considerations into the election of President; and, in the second place, they may sell the vote which is intrusted to their keeping. They introduce extraneous considerations by bringing their own character and their own exertions into the Presidential canvass. Every one sees this. Candidates for Electors are now selected, not for the reasons mentioned in the *Federalist*, but for their devotion to a particular party; for their popular manners, and their talent at electioneering.

The Elector may betray the liberties of the people by selling his vote. The operation is easy, because he votes by ballot; detection is impossible, because he does not sign his vote; the restraint is nothing but his own conscience, for there is no legal punishment for his breach of trust. If a swindler defrauds you out of a

few dollars in property or money, he is whipped and pilloried, and rendered infamous in the eye of the law; but, if an Elector should defraud forty thousand people out of their vote, there is no remedy but to abuse him in the newspapers, where the best men in the country may be abused, as much as Benedict Arnold or Judas Iscariot. Every reason for instituting Electors has failed, and every consideration of prudence requires them to be discontinued. They are nothing but agents in a case which requires no agent, and no prudent man would or ought to employ an agent to take care of his money, his property, or his liberty, when he is equally capable to take care of them himself.

But, if the plan of the constitution had not failed—if we were now deriving from Electors all the advantages expected from their institution—I, for one, said Mr. B., would still be in favor of getting rid of them. I should esteem the incorruptibility of the people, their disinterested desire to get the best man for President, to be more than a counterpoise to all the advantages which might be derived from the superior intelligence of a more enlightened, but smaller, and, therefore, more corruptible body. I should be opposed to the intervention of Electors, because the double process of electing a man to elect a man, would paralyze the spirit of the people, and destroy the life of the election itself. Doubtless this machinery was introduced into our constitution for the purpose of softening the action of the democratic element; but it also softens the interest of the people in the result of the election itself. It places them at too great a distance from their first servant. It interposes a body of men between the people and the object of their choice, and gives a false direction to the gratitude of the President elected. He feels himself indebted to the Electors, who collected the votes of the people, and not to the people, who gave their votes to the Electors. It enables a few men to govern many, and, in time, it will transfer the whole power of the election into the hands of a few, leaving to the people the humble occupation of confirming what has been done by superior authority.

Mr. B. referred to historical examples, to prove the correctness of his opinion.

He mentioned the Constitution of the French Republic, of the year III. of French liberty. The people to choose Electors; these to choose the Councils of Five Hundred, and of Ancients; and these, by a further process of filtration, to choose the Five Directors. The effect was, that the people had no concern in the election of their Chief Magistrates, and felt no interest in their fate. They saw them enter and expel each other from the political theatre, with the same indifference with which they would see the entrance and the exit of so many players on a stage. It was the same thing in all the subaltern Republics of which the French armies were delivered, while overturning the thrones of Europe. The constitutions of the Ligurian,

FEBRUARY, 1824.]

Amendment of the Constitution.

[SENATE.]

Cisalpine, and Parthenopean Republics, were all duplicates of the mother institution, at Paris; and all shared the same fate. The French consular constitution, of the year VIII., (the last year of French liberty,) preserved all the vices of the Electoral system; and from this fact alone, that profound observer, Neckar, from the bosom of his retreat, in the midst of the Alps, predicted and proclaimed the death of liberty in France. He wrote a book to prove that "*Liberty would be ruined by providing any kind of Substitute for Popular Elections,*" and the result verified his prediction, in four years. But the strangest of all arguments against the use of Electors, the fact which goes farther than all others to prove them to be dangerous to the rights of the people, is, that they are continued in France, at this time, under the charter of Louis XVIII. The people choose Electors, as under the constitutions of the years III. and VIII.; and these Electors choose the deputies to the legislative body. Heretofore, the Court party contented itself with a majority; but the signs of liberty shown by the minority, in opposing the Spanish war, has determined it to have the entire body devoted to the Crown; and the last advices inform us that the Chamber would be dissolved to make room for this change, which would be openly effected by bribing the Electors.

The virtue and simplicity of this day must pass away. The time will come, when political power will be bought, and when the money of the people will be taken to pay the price. The time will come, when the wifeless and childless bachelor shall not look out for a successor to his estate, with more anxious solicitude than the incumbent President shall look out for a successor to his Presidential power. The time will come, when the American President, like the Roman Emperors, will select his successor, take him by the hand, exhibit him to the people, place him upon the heights and eminences in the Republic, display him in every amiable, every attractive point of view, make him the channel of all favor, and draw the whole tribe of parasites and office hunters to the feet of the favorite. We know it is written, that more nations worship the rising than the setting sun; but, let the two suns appear above the horizon at once; let their rays be drawn to a focus upon an Electoral college or Legislative assembly; yea, let their concentrated rays fall at once upon the double ranks of their united worshippers; let two Blue Books be displayed at once, the actual President paying down his ten thousand offices, and the heir apparent giving his note for ten thousand more, due and payable on the fourth day of March then next ensuing! What virtue could stand such trials? The effect must be overwhelming upon a small body of two or three hundred Electors; but all these temptations would become insignificant when scattered and dispersed among the millions of people which fill the Republic. The candidate for *their* favor could

derive no benefit from his long list of offices. He must come with a list, not of offices to be given, but of services performed, in the field or the cabinet. He must come, like the elder Cato, to reform the manners of a degenerate age, by an example of simplicity and economy in his own person—like Appius Claudius, to improve and adorn the interior of his country—like Cicero, to crush conspirators by the thunder of his eloquence—like Scipio, to expunge the rival nation from the face of the earth—like Marius, scarred with innumerable wounds, received from the public enemy—he must come, like our own great Washington, not to pillage his country, but to serve her, and to retire from her service through the portals of everlasting fame.

Danger of tumults and popular commotions. This objection is taken from the history of the ancient republics; from the tumultuary elections of Rome and Greece. But the justness of the example is denied. There is nothing in the laws of physiology which admits a parallel between the vindictive Italian, the volatile Greek, and the phlegmatic American. There is nothing in the state of the respective countries, or in their manner of voting, which makes one an example for the other. The Romans voted in mass, at a single voting place, even when the qualified voters amounted to four millions of persons. They came to the polls armed, and divided into classes, and voted, not by heads, but by centuries. In the Grecian republics all the voters were brought together in one great city, and decided the contest in one great struggle. In such assemblages, both the inducement to violence, and the means of committing it, were prepared by the Government itself. In the United States all this is different. The voters are assembled in small bodies, at innumerable voting places, distributed over a vast extent of country. They come to the polls without arms, without odious distinctions, without any temptation to violence, and with every inducement to harmony. If heated during the day of election, they cool off upon returning to their homes, and resuming their ordinary occupations. A month afterwards, when the result of a Presidential election would be known, the body of the people would be too much occupied with their own concerns, and too sensible to the voice of reason, to think of taking up arms in favor of an unsuccessful candidate. The party, defeated at an election, must fight upon the spot, or never. Sleep and dispersion rapidly cool their belligerent passions. Instead of violence, it is apathy which we have to dread in our Presidential elections. There is too much apathy at this time upon the subject of the impending election. The intemperance of some newspapers, the heat of some cities, and the fury of some partisans, furnish no criterion for estimating the temper of the continent. The tranquillity of the American people is not affected by these local agitations. Some citizens

confine themselves to the inquiry: "Who will you give us for President?" The question implying the humiliating fact that an American citizen has no weight in the choice of the first officer of the Republic. Others are quietly looking out for the best man to administer their affairs, and all agree in holding in the uttermost contempt every effort to impose upon their judgment, whether the fraud shall be exhibited in the shape of poisonous detraction, or of fulsome adulation.

But let us admit the truth of the objection. Let us admit that the American people would be as tumultuary at their Presidential elections, as were the citizens of the ancient Republics at the election of their Chief Magistrates. What then? Are we thence to infer the inferiority of the officers thus elected, and the consequent degradation of the countries over which they presided? I answer no. So far from it, that I assert the superiority of these officers over all others ever obtained for the same countries, either by hereditary succession, or the most select mode of election. I affirm those periods of history to be the most glorious in arms, the most renowned in arts, the most celebrated in letters, the most useful in practice, and the most happy in the condition of the people, in which the whole body of the citizens voted direct for the chief officer of their country. Take the history of that Commonwealth which yet shines as the leading star in the firmament of nations. Of the twenty-five centuries that the Roman State has existed, to what period do we look for the generals and statesmen, the poets and orators, the philosophers and historians, the sculptors, painters, and architects, whose immortal works have fixed upon their country the admiring eyes of all succeeding ages? Is it to the reigns of the seven first Kings?—to the reigns of the Emperors, proclaimed by the prætorian bands?—to the reigns of the Sovereign Pontiffs, chosen by a select body of electors in a conclave of most holy cardinals? No—we look to none of these, but to that short interval of four centuries and a half which lies between the expulsion of the Tarquins and the re-establishment of monarchy in the person of Octavius Cæsar. It is to this short period, during which the consuls, tribunes, and prætors, were annually elected by a direct vote of the people, to which we look ourselves, and to which we direct the infant minds of our children, for all the works and monuments of Roman greatness; for roads, bridges, and aqueducts, constructed; for victories gained, nations vanquished, commerce extended, treasure imported, libraries founded, learning encouraged, the arts flourishing, the city embellished, and the Kings of the earth humbly suing to be admitted into the friendship, and taken under the protection of the Roman people. It was of this magnificent period that Cicero spoke, when he proclaimed the people of Rome to be the masters of Kings, and the conquerors and commanders of all the

nations of the earth. And, what is wonderful, during the whole period, in a succession of four hundred and fifty annual elections, the people never once preferred a citizen to the consulship who did not carry the prosperity and glory of the Republic to a point beyond that at which he had found it.

It is the same with the Grecian Republics. Thirty centuries have elapsed since they were founded; yet it is to an ephemeral period of one hundred and fifty years only, the period of popular elections, which intervened between the dispersion of a cloud of petty tyrants and the coming of a great one in the person of Philip, King of Macedon, that we are to look for that galaxy of names which shed so much lustre upon their country, and in which we are to find the first cause of that intense sympathy which now burns in our bosoms at the name of Greece.

These short and brilliant periods exhibit the great triumph of popular elections; often tumultuary, often stained with blood, but always ending gloriously for the country. Then the right of suffrage was enjoyed; the sovereignty of the people was no fiction. Then a sublime spectacle was seen, when the Roman citizen advanced to the polls and proclaimed: "I vote for Cato to be Consul;" the Athenian, "I vote for Aristides to be Archon;" the Theban, "I vote for Pelopidas to be Bæotarch;" the Lacedæmonian, "I vote for Leonidas to be first of the Ephori." And why cannot an American citizen do the same? Why may not he go up to the poll and proclaim, "I vote for Thomas Jefferson to be President of the United States?" Why is he compelled to put his vote in the hands of another, and to incur all the hazards of an irresponsible agency, when he himself could immediately give his vote for his own chosen candidate, without the slightest assistance from agents or managers?

FRIDAY, February 6.

Additional Sloops of War.

The Senate then resumed the consideration of the bill to authorize the building of ten additional sloops of war. The question was stated to be, upon filling the blank for the appropriation with "\$425,000, annually, for two years."

Mr. BARBOUR rose in support of the bill. He believed the Senate could not, at present, feel any listlessness in regard to the Navy of the country. There had formerly been a difference of opinion on the subject of the United States becoming a maritime power; and Mr. B. said he did justice to the honorable member from Maryland (Mr. SMITH) for the firmness he had always evinced, in his uniform support of the Navy, although that course had, at one time, separated him from the party with which he was accustomed to act. But it was due to those who had formerly differed in opinion from that hon-

FEBRUARY, 1824.]

Additional Sloop of War.

[SENATE.]

orable gentleman, to say, that experience had not then proved the necessity of a naval force; that, upon recurring to the history of other nations, particularly of that nation with whom we were then, unhappily, involved in difficulties, it was then hardly to be hoped that any effort of ours would be sufficient to enable us to make any stand, among the nations of the earth, as a naval power; and it was firmly believed, by those who then opposed the progress of our Navy, that we should only build vessels to be captured. But, in the progress of time, the war came on; it furnished a trial of our capacity, as a maritime power; and the decision has been such as to produce a uniform opinion, in the nation, that it is the duty of the Government to cherish this important means of our defence. In the brilliancy and the glory of its exploits, the Navy had far exceeded the utmost anticipation of its friends, and certainly it had surpassed the expectations of its opponents. While it had been thought that the land alone would be the theatre of our victories, it became sometimes the scene of our defeat, and even of our disgrace. And, where it was expected that we should meet with nothing but disaster, there the national character had been elevated. It was ascertained, in that war, that our Navy would furnish us with the greatest means of annoyance against an enemy, and that it would carry an impression of our power more than any other force we could furnish, and consequently the feeling towards it had been changed. Attachment to the Navy was now, Mr. B. said, confined to no particular part of the country—it was universal. Immediately after the war, at a moment when the nation was laboring under all the embarrassments resulting from the contest, when, individually and collectively, the country was distressed in its financial concerns; in April, 1816, a law was passed appropriating one million annually to the gradual increase of the Navy. Mr. B. said he had mentioned that fact, only to call the attention of the Senate to the circumstances of the Government at that time. If a million of dollars, annually, was then appropriated, when the nation was embarrassed, and individuals were involved in pecuniary distress, surely at this time, when our debt is diminished, and our population increased, we may provide for the increase of the Navy proposed by this bill. Either the appropriation at that time was the most unwise prodigality, or the bill proposed at this time could not fairly be objected to. Another fact might be stated. About three years since, in 1821, instead of the annual appropriation of a million of dollars, only five hundred thousand dollars were appropriated. This diminution did not grow out of any hostility to the Navy, but from the peculiar exigency in which the nation was situated at that time. We were constrained to borrow money for the ordinary expenditures of the Government. But that exigency has now passed away, and the circumstances that then existed have passed away with it. If, then, the question

were now to be decided, whether the appropriation of a million a year, for eight years, should be made, as in 1816; if that question were before an American Senate, would there be any difference of opinion in regard to it? Has the public mind undergone any change in favor of a different policy? Is the increase of the Navy less desirable than at that time? Do not the same reasons that influenced the Government then, operate as strongly now; or is any one prepared to say that our Navy is as large as is desirable?

Mr. HAYNE, of South Carolina, said he had regretted that the bill now under consideration had been so long delayed, as he had feared that the strong impression made by the arguments of the honorable chairman (and his colleagues) of the Committee on Naval Affairs, might, by that delay, have lost something of its force. But, since he had heard the able and eloquent speech of the gentleman from Virginia, (Mr. BARBOUR,) in support of the bill, he felt that we had been amply compensated for the delay which had taken place. Mr. H. said he felt it to be his duty to yield his support (however feeble it might be) to this bill, because he had not only advocated it in the committee of which he was a member, but most cordially approved of the policy on which it was founded; and though he was not destined to partake largely in the honors of victory, (should the measure succeed,) yet he would certainly feel his full share of mortification at its defeat. He trusted, therefore, that the Senate would bear with him while he endeavored to remove some of the objections which had been urged against the bill, and to show, affirmatively, the policy of building the proposed number of sloops of war, as soon as materials could be prepared for that purpose.

The first objection against the bill was advanced by the honorable gentleman from Maine, (Mr. CHANDLER.) He had endeavored to give our little fleet "*a shot between wind and water.*" He had attacked it with satire, which, in a skilful hand, is sometimes a better weapon than argument. He tells us that the friends of the Navy, at one moment, insist "that we have too few ships of the line—the next, that we have too few 'frigates'—and then we are told that we have too few 'sloops of war;'" and then, that, in the increase of our Navy, we are travelling in a circle to which there is no end. With all due deference to that honorable gentleman, (said Mr. H.,) I submit that the course of which he complains, is the only one which could have been pursued, or by which we can ever arrive at a suitable Naval Establishment. A navy is, in its very nature, progressive: this great engine of national defence can be constructed only by gradual means. It must "grow with our growth and strengthen with our strength." It has been well asked, by my honorable friend from Massachusetts, whether the gentleman who makes this objection would, in the construction of his dwelling, expect

that the chambers and the garret would be built at the same moment with the cellar? And I (said Mr. H.) will put another case, and ask whether, if he employed an agent to improve a farm, he would object that he had first prepared for cultivation a small field and then a large one—or whether he would not discover, in this gradual and progressive improvement, the evidence of increasing wealth and prosperity? But, if the honorable gentleman's objections really be not to the increase of the Navy, but only to the manner in which that object was accomplished, he would suggest that he ought not to oppose the bill, but should offer to amend it, so as to embrace the construction of vessels of every class at the same time. Mr. H. feared, however, that such a proposition would never meet with the approbation of the gentleman from Maine, much less that it would be proposed by him.

A further objection had been advanced by the honorable member from Maine, (Mr. HOLMES,) in the form of a complaint, "that money was never suffered to remain long in the Treasury," and he tells us "that the Navy is the *key* by which the Treasury is unlocked." It is a golden key, sir, said Mr. H., which if it unlocks the Treasury, also opens the door to national glory. May the Treasury never be unlocked for any purpose less conducive to the welfare and honor of our country! I have never, said Mr. H., been able to comprehend the nature of the satisfaction which gentlemen appear to feel in the contemplation of the Treasury filled with gold and silver, and locked up from the public use. I prefer, said Mr. H., to see the public money expended in great national improvements; in establishments calculated to advance the true interests and welfare of the whole people. The gentleman has himself urged an argument which makes against his position. He says, it is the habit of the country to exhaust every dollar which comes into the Treasury, and that this always has been, and ever will be the case. If this be true, ought we not, by a judicious and timely appropriation of the balances in the Treasury, to prevent a worse use from being made of it? If we are in the habit of spending all our money, it is certainly best to spend it for wise purposes. If money is to remain idle in the Treasury, Mr. H. thought it had better have remained in the pockets of the citizens.

Mr. MAÇON rose. He could not say, like the gentleman from Maryland, that he had always been in the right, in regard to this question respecting a navy; nor with the gentleman from Virginia, that he was yet quite convinced upon the subject. Changes of circumstances would be constantly occurring; we are sometimes very rich, and sometimes very poor. It is true the nation appears to be decidedly in favor of a navy. To be useful, a navy must be strong enough to make itself felt; it must be able to meet that of any other nation. I am not willing, said Mr. M., to join stocks with any nation. I am for standing solely upon American ground, and upon no other.

I believe, in time of war, your navy will not be able to go on, without impressment. You must resort to impressment; you must embarrass your commerce; you must stop your privateering, in another war. The history of nations will show that their freedom had done more towards their success than any thing else. It was the freedom of England, more than the bayonets of Russia, that put down the Emperor of France. The character of one part of this country, to be sure, is commercial, and that of the other is not so. How long we shall continue a commercial people, we cannot tell. I fear the tariff, and some other projects, will convert us into something else. We are told that Lord Coke spoke of two great blessings which England possessed—her Queen and her Navy. We possess two greater blessings than these. We are as free as any people can be in civilized society, and every man has plenty to eat. I wish I could say that every one in the country was out of debt. I do not believe we are in such good circumstances as the gentleman from Virginia has described. The failure of the banks has been a great evil in the country. In all countries, I believe, (though I was never in any but my own,) nothing is so pleasing as military glory. I well remember, sir, how I loved, in my youth, to listen to stories of battles. It is the delight of men, and women too. This ardor for military glory is the bane of Republics. All history demonstrates that too much war has proved their destruction. I do not pretend to know much of military affairs; but I believe that men have a particular gift of God to perform great actions: it is a special gift, like that with which poets, and orators, and other celebrated men, are endowed. Men must have a natural turn of mind towards it in order to excel in any business. It is said that our extensive seacoast requires a navy. Great Britain has an extensive seacoast, and do we wish to have as much starvation and heavy taxes as she has? I had much rather that our people should have plenty to eat, than a brilliant navy. I entertain no hostility towards England; but, with all her enterprise and ingenuity, by water and by land, we still find her involved with a heavy debt. It is said that navies have added to the glory of nations. All the naval powers that have existed, have fallen, with the exception of old John Bull. His landholders, and his handicraftsmen, have yet succeeded in keeping him up, and he is more free than any of them. Although I have never voted for a navy, not for a rope or a nail of it, yet I am willing to defend its honor; I was of that opinion, in regard to the affair of the Chesapeake. When any other nation attacks one of our ships, I would give them blow for blow. I do not like long appropriations, for I am quite willing to leave the business of voting money for future purposes, to our successors. It must be admitted that the naval question was settled by the late war. An appropriation was made for the increase of the Navy; and we had to reduce that appropriation

FEBRUARY, 1824.]

Additional Sloops of War.

[SENATE.]

one-half. We had better leave this business to those who come after us. We had that appropriation to reduce; and we may have to reduce this also. No navy can supersede the necessity of an army. Your fortifications must be kept in order, and manned. If any reverse in our situation takes place, we shall be compelled to resort to loans. No man can calculate what demands we may have for money. I shall use no hard words towards the Holy Alliance; hard words do not hurt them, and they do us no good. I am willing to be at peace with all the world, and not to abuse anybody.

Sir, I have heard of economy ever since I came into Congress, and every year we spend more and more money. I don't know but this is all right, but I think the people are not as free from debt as they were in the days of Washington, and I believe the Government owes more than it did then. The gentleman from Virginia has alluded to my anecdote about the old man and his silver spoons. It might have been right for the old man to have the spoons, but, then, he had the money to buy them with. Some few years ago, sir, I was travelling in the southern part of the country, in a circuit through a part of South Carolina and Georgia—the land is not quite so poor there as it is with us, but still, no one, who had not seen it, would believe there was any land quite so poor upon earth. I stopped at a very miserable tavern; there were three or four persons present engaged in conversation. They were full of a Spanish war, and all in a rage for taking Cuba. They said, "we had beaten Great Britain once in a seven years' war; and again, in two years, and that it would be but a job before breakfast, to whip Spain and take Cuba from her." It is a very easy thing to get into a war. The people may be a little unwilling for it, at first, but some leading spirits get up an excitement, and then it is easily kept up. We are always trying some experiment. When the gunboat system was proposed, I was no advocate for it. I recollect making the remark, upon the occasion, that one British frigate would run over them all, as a fine race horse would run over a litter of Guinea pigs.

Mr. LLOYD, of Massachusetts, was gratified to find that no objection had been yet urged against building the ships provided for in this bill. The only objection seemed to be to the amount of the appropriation. The Naval Committee certainly have no desire to press the subject upon the Senate. It is no child of theirs. An honorable member introduced a resolution, early in the session, proposing an inquiry into the expediency of building an additional number of sloops of war. In compliance with the instructions contained in that resolve, the committee proceeded to make the necessary inquiries. They communicated with the head of the Navy Department on the subject. It was his peculiar province to know what number was necessary. He answered to the question of the committee, that ten would be

the proper number. This number did not originate with the committee. They inquired, also, what would be the expense, and they were told eighty-five thousand dollars for each vessel. They therefore framed a bill providing for ten vessels, and inserted in it the highest cost of building them. The committee do not wish to press the bill. It was said that there was no need of making the whole appropriation at once; that the timber could not be all procured within the present year, and that, consequently, the money would not all be wanted. To satisfy that objection, I moved you, sir, in behalf of the committee, that the appropriation should be divided, one-half for the present, and the other for the next year; and I am ready, if the Senate think it proper, to move for a further reduction of the appropriation. But why should you vote to build ten sloops of war, without furnishing the means to do it? I understand that some part of the timber necessary for building these vessels is already on hand. It is true that some kinds of timber can only be cut in the winter, when the sap is down, but some of it may be obtained as well in the summer. The committee have permitted the bill to lie upon the table for ten days, in order to obtain information from the Department. It is found that \$425,000 for the present year, will not be too large an appropriation.

MONDAY, February 9.

JOHN TAYLOR, from the State of Virginia, whose credentials were filed during the last session, appeared, was qualified; and took his seat in the Senate.

Additional Sloops of War.

The Senate resumed the unfinished business of Friday last, being the bill reported by the Committee of Naval Affairs, authorizing the building, of an additional number of sloops of war for the naval service of the United States.

Mr. LOWRIE could not see the necessity of building so many vessels immediately—he doubted the expediency of making so large an appropriation, confined to one or two years. It is said that the vessels are wanted for the suppression of piracy. Mr. L. said he thought that subject was at rest. Congress had authorized the purchase of vessels for that purpose, at the last session; and we have been told, from the proper Department, that the enterprise was successful, and that piracy was suppressed. If this is the case, that exigency does not now exist—of course, there is less necessity to complete these vessels immediately. On the ground that in peace we ought to prepare for war, Mr. L. was willing to vote for the whole number of vessels proposed by this bill. He conceived the only question now to be, at what time the money should be paid. He was in favor of amending the bill so as to appropriate \$250,000 for the present year, and \$150,000 annually for

the four succeeding years. He thought a permanent appropriation better than an annual one, as such a course would place the subject before the Navy Board, to proceed according to their judgment and knowledge of the business. He was not opposed to the support of a Navy, to a certain extent. He considered that our present naval force, with the addition of the vessels proposed by this bill, would be quite large enough; and, if the act of Congress providing for the gradual increase of the Navy had contained a provision for ten sloops of war, he should have opposed any further increase; but he believed some small vessels were necessary, and was willing to vote for the bill provided the building of the vessels was not hurried.

In pursuance of a suggestion which had been made by Mr. SMITH, Mr. BARBOUR moved to fill the blank for the appropriation with "two hundred and fifty thousand dollars for the present year, and two hundred thousand dollars annually for the three succeeding years." This was agreed to—yeas 24, nays 18, as follows:

YEAS.—Messrs. Barbour, Barton, Benton, Clayton, D'Wolf, Eaton, Edwards of Connecticut, Elliott, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Johnson of Louisiana, Kelly, King of New York, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Parrott, Seymour, Smith, Taylor of Virginia, Thomas, and Williams—24.

NAYS.—Messrs. Bell, Branch, Brown, Chandler, Dickerson, Findlay, Gaillard, Holmes of Maine, Lowrie, Macon, Noble, Ruggles, and Ware—18.

The bill was then ordered to be engrossed, and read a third time.

TUESDAY, February 10.

Mississippi Land Company.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the petition of Ebenezer Oliver and others, directors of a corporation called the New England Mississippi Land Company, &c., reported as follows:

1st. That, by the articles of agreement and cession of the 24th of April, 1802, between the United States and the State of Georgia, it was agreed that the United States might (in such manner as not to interfere with the payment to be made to the State of Georgia, or with the satisfaction of certain land claims agreed to be confirmed by the United States) appropriate not exceeding five millions of acres for satisfying certain claims on the land then ceded to the United States, commonly called the Yazoo claims; provided the act of Congress making such appropriation was passed within one year.

2dly. That, by the act entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States, passed the 3d of March, 1803," so much as should be found necessary of the five millions of acres reserved, as before stated, were appropriated to the purpose for which they had been reserved. But it was provided by that act, "that no other claims shall be embraced by this appropriation but those the evidence of which shall

have, on or before the first day of January next, been exhibited by the claimants to the Secretary of State, and recorded in books to be kept in his office for that purpose," &c.

3dly. That, pursuant to the provisions of the last-mentioned act, the claims to the said lands were exhibited to the Secretary of State, including those now in question, but the passage of the final act providing for their adjustment and satisfaction, was delayed until the year 1814.

4thly. That many of the claims, so exhibited, were found to conflict with each other, and also with rights which had been acquired by the United States in consequence of surrenders made to the State of Georgia, and which, by virtue of the cession, inured to the United States.

5thly. That, to make the indemnity and provide for the adjustment of the claims in question, the act of the 3d of March, 1814, was passed by which—

1st. The President was authorized and required to cause to be issued from the Treasury of the United States, to such claimants, respectively, as had exhibited their claims agreeably to the act of 1803, certificates of stock, payable out of moneys arising from the sale of said public land, and, among other companies, to the persons claiming in the name or under the Georgia Mississippi Company, a sum not exceeding, in the whole, one million five hundred and fifty thousand dollars.

2d. That the claimants of the lands might file, in the office of the Secretary of State, a release of all their claims to the United States, and an assignment and transfer to the United States of their claim to any money deposited or paid to the State of Georgia, such release and assignment to take effect on the indemnification of the claimants, according to the provisions of that act.

3d. Commissioners were to be, and were, accordingly, appointed "to adjudge and finally determine upon all controversies arising from such claims so released as aforesaid, which may be found to conflict with and be adverse to each other, and also to adjudge and determine upon all such claims under the aforesaid act or pretended act of the State of Georgia, as may be found to have accrued to the United States by the State of Georgia."

6thly. That the provisions of the act of 1814 were, in all respects, pursuant to a compromise made in behalf of the United States with the claimants, including the present petitioners, and that the release, required by the said act, was made by them.

7thly. That, before the commissioners, the petitioners, as trustees of the New England Mississippi Land Company, claimed, as the persons entitled to the one million five hundred and fifty thousand dollars directed to be issued to the Georgia Mississippi Land Company, their claim to indemnity for 957,600 acres, amounting to \$130,425, was resisted in behalf of the Georgia Mississippi Company, on the ground that the consideration money for said lands had not been paid, and that therefore they were in equity entitled to the indemnity provided by the act of Congress. The commissioners decided in favor of the Georgia Mississippi Company, and the \$130,425 were deducted from the amount awarded to the New England Mississippi Land Company, and distributed as follows: \$50,608 48 to individual members of the Georgia Mississippi Company, who had released to the United States under the act of 1814, to whom the same has accordingly been paid; \$79,816 52 was

FEBRUARY, 1824.]

Roads in the Territory of Florida.

[SENATE.]

reserved to the United States, as being the shares of those claimants who, not having been paid the consideration money by the persons who had purchased of them, claimed to be still the legal and bona fide owners of said lands, and, as such, had availed themselves of the provision of the repealing act of the State of Georgia, and obtained the repayment of the consideration money by surrendering their titles to the State.

8thly. The petitioners object to this decision as erroneous, and they ask to have the \$180,425 paid to them by the United States, or their release to the extent of the 957,600 acres cancelled, so that they may assert their title to the lands in a court of law. The Supreme Court of the United States, in the case of Brown and Gilman, 4 Wheaton, 256, have decided that the grant from the Georgia Mississippi Land Company to the individuals who afterwards constituted and composed the New England Mississippi Land Company, conveyed the legal estate, notwithstanding the act of Georgia prohibiting the deeds for the same from being recorded; and that by the terms of the contract and the law of the land, the grantors had no lien on the lands for the consideration money, and that therefore the decree of the commissioners, in that respect, was erroneous. For the grounds of that decision, its operation upon the interests of the petitioners, and those they represent, and for a more particular statement of the facts and circumstances connected with the whole transaction, the committee refer to the case of Brown and Gilman, to the decree of the commissioners accompanying this report, to the accompanying certificates of two of the commissioners, and to a more particular statement made by the petitioners to the Judiciary Committee, and adopted by them in their report last year on the same petition.

9thly. The committee acquiesce in the correctness of the decision of the Supreme Court, and believe that the decision of the commissioners, on the point of law raised before them, was erroneous; but, as their decree was agreed and declared by the law to be final and conclusive on the rights of all the parties, and as they have not found any circumstances in the case requiring that the same should be opened, but many strong reasons against the propriety of doing so, a majority of the committee are of opinion that the prayer of the petitioner ought not to be granted.

The report and resolution were read, and ordered to be printed.

FRIDAY, February 20.

Roads in the Territory of Florida.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida."

The bill proposes an appropriation of twenty thousand dollars for the purpose of making a road from Pensacola to St. Augustine, and three thousand dollars for the purpose of surveying routes for two other roads intersecting said Territory at different points.

Mr. BROWN stated that the distance over which the road was proposed to be made, was about three hundred miles; and the distance

to be surveyed for the two other roads would be about six hundred miles. It was of great importance to have a communication opened along the coast of that Territory. The inhabitants, living under the same government, were widely separated from each other. The proposed road will pass through a very fine and fertile country, mostly belonging to the Government of the United States. It appeared to the committee to be necessary that something should be done to increase the value of this property. The trustees of that Territory require protection from the Government, and this measure will accelerate its settlement. As the sum appropriated was not very great, he hoped the bill would pass.

Mr. JACKSON said this road was of great importance, from two considerations—the first, as it related to the defence, and the second, in regard to the population of that part of the country. If gentlemen would recur to the map of that part of the Territory, they would perceive that it would be absolutely impossible to succor St. Augustine, except by water. The road could be made at a small expense, and would furnish the means of immediate defence. He thought the United States ought to keep an eye on that part of the country—it is now very weak and defenceless. Without this road, people could not be induced so speedily to emigrate to that Territory, and its settlement would be retarded.

Mr. LOWRIE said there were two objects specified in this bill, which the gentleman had not touched upon—the surveys of two other routes, besides the one where the road was to be made. He wished information on those points; as three thousand dollars was appropriated for the surveys, while only twenty thousand dollars was to be granted for making the other road.

Mr. BROWN, in explanation, remarked that the contemplated routes, which were to be surveyed, embraced an extent of six hundred miles; while the road to be made was only three hundred. Those routes which were to be traced out, touch at different parts of the Territory, the communication with which is highly important.

Mr. LOWRIE inquired of the chairman of the Committee on Roads and Canals, what data the committee had adopted, in estimating the expenditures for these purposes.

Mr. BROWN said the committee had before them the statements furnished by the delegate who represented that Territory in the other House. From these, and such information as could be gained from the map of that country, the estimates were made.

Mr. JACKSON did not doubt that the appropriation provided in this bill, with the labor of the military force stationed in that part of the country, would be adequate to the proposed objects—he said that, by this means, a topographical view of the country through which the roads were to run, would be obtained; and

the President would not apply more money to the purpose than should be found necessary.

Mr. CHANDLER thought that must be a very extraordinary country indeed, if twenty thousand dollars would make three hundred miles of road in it. We have been told that the soldiers could not work in that country. Mr. C. believed that, if twenty thousand dollars were appropriated now, it would not be a great while before Congress would be called upon to vote more money for this object.

Mr. HOLMES, of Maine, could hardly believe that fifty or sixty dollars a mile, which was all the sum mentioned in the bill would amount to, would be sufficient to make this road. He felt in favor of making a road from Pensacola to St. Augustine, but wished to know what the real cost of such a road would be—how much it would cost in money, and how much labor the soldiers could perform. He wished to know if the committee had estimated the cost. When appropriations are to be made, an estimate is generally required. When a light-house or a pier is to be built, the committee is called upon for an estimate. He thought the Government were going too far in this business, in making out these two roads of three hundred miles each. The distance, considering the sinuosities of the road, might be a great deal more than was calculated. If the survey is made, we shall be called upon, some time or other, to make the roads also. Mr. H. thought it would be much better to begin by making the road from Pensacola to St. Augustine; they are united under one government, the operations of which require that there should be a communication between the two places. He was, therefore, in favor of that part of the bill.

Mr. ELLIOTT said that he was not surprised that gentlemen who came from a part of the country where roads were made in a very different manner, should think the sum mentioned in this bill too small for the contemplated purpose. In that part of the country where the roads must be rendered perfectly hard, so as to secure them from the operation of the frost, the expense would, undoubtedly, be much greater. But, in the section where this road is to be located, all that is done is to fell the trees, and excavate ditches by the side of the road. There is no need of any great quantity of material. He believed ten thousand dollars would be sufficient to fell the timber, and lay out the road. The most important difficulty is the swamps through which the road must pass; the timber is rolled into them, as it is cut down, and the mud is filled in from the ditches. These are our roads. They are not like those in the North, and hence they do not cost as much money. He believed that twenty thousand dollars, with the services of the military, would be amply sufficient. With regard to the surveys to be made for the other roads, the population of the country would be greatly facilitated by opening these communications. They pass through a wilderness, in which it is only

necessary to fell the timber, and those who pass upon the road will make it. We have only to mark out the way. In the event of war, it would be very important, as furnishing opportunities for an army to pass with celerity. Mr. E. thought it absolutely necessary, for the welfare of that part of the country, that this bill should be adopted; the country would then be open to the inspection of persons who wish to settle there. It is now in a very exposed situation; it may be called the *piquet* of the Union; and shall we suffer it to remain defenceless? As this measure would furnish facilities for investigating the country, and means for its defence, Mr. E. hoped it would be agreed to.

Mr. JACKSON said he had himself marched through a considerable part of that territory, and was enabled to open roads at the rate of twenty miles a day. If an army was able to open a road at that rate, he believed that twenty thousand dollars would be a sufficient sum for this purpose. He had no doubt that it would be sufficient, unless bridges were to be made over the streams, which he believed was not intended.

Mr. BROWN said that, as the gentleman from Maine wished for estimates, as they were furnished in regard to light-houses, &c., he could inform him, in relation to the surveys to be made in Florida, it was estimated that they would cost five dollars per mile; that surveyors in that section of the country would trace out roads at the rate of three dollars the mile; and the committee calculated that five dollars a mile would defray the whole expense. The utility of these surveys, he thought, was unquestionable, as they served as guides to travellers who explore the country. The soil is so dry, and so easy to be worked, that he believed the expense would not be more than the sum proposed in the bill.

The bill was then reported to the Senate without amendment; and, upon its passage to a third reading, Mr. CHANDLER called for the yeas and nays, which were as follows:

YEAS.—Messrs. Barton, Branch, Brown, Eaton, Edwards of Connecticut, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Louisiana, King of Alabama, Lanman, Lowrie, McIlvaine, Mills, Parrott, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Thomas, Van Buren, Ware, Williams—18.

NAYS.—Messrs. Bell, Chandler, Clayton, D'Wolf, Knight, Macon, Taylor of Virginia, Van Dyke—8.

So the bill passed to a third reading.

TUESDAY, February 24.

Claim of Massachusetts.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I herewith transmit to Congress certain documents relating to a claim of Massachusetts for services re-

FEBRUARY, 1824.]

Claim of Massachusetts.

[SENATE.]

dered by the militia of that State in the late war, and for which payment was made by the State. From the particular circumstances attending this claim, I have thought it proper to submit the subject to the consideration of Congress.

In forming a just estimate of this claim, it will be necessary to recur to the cause which prevented its admission, or the admission of any part thereof, at an earlier day. It will be recollected, that, when a call was made on the militia of that State for service, in the late war, under an arrangement which was alike applicable to the militia of all the States, and in conformity with the acts of Congress, the Executive of Massachusetts refused to comply with the call, on the principle that the power vested in Congress by the constitution, to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, was not a complete power for those purposes, but conditional, and dependent on the consent of the Executives of the several States; and, also, that, when called into service, such consent being given, they could not be commanded by a regular officer of the United States, or other officer than of the militia, except by the President, in person. That this decision of the Executive of Massachusetts was repugnant to the Constitution of the United States, and of dangerous tendency, especially when it is considered that we were then engaged in a war with a powerful nation, for the defence of our common rights, was the decided opinion of this Government; and when the period, at which that decision was formed, was considered, it being as early as the 5th of August, 1812, immediately after the war was declared, and that it was not relinquished during the war, it was inferred, by the Executive of the United States, that the decision of the Executive of that State was alike applicable to all the services that were rendered by the militia of the State during the war.

In the correspondence with the Governor of Massachusetts, at that important epoch, and on that very interesting subject, it was announced to him, by the Secretary of War, that, if the militia of the State were called into service by the Executive of the State, and not put under the command of the Major General of the United States, as the militia of the other States were, the expense attending their service would be chargeable to the State, and not to the United States. It was also stated to him, at the same time, that any claim which the State might have for the reimbursement of such expenses, could not be allowed by the Executive of the United States, since it would involve principles on which that branch of the Government could not decide.

Under these circumstances, a decision on the claim of the State of Massachusetts has hitherto been suspended, and it need not be remarked that the suspension has proceeded from a conviction that it would be improper to give any sanction by its admission, or by the admission of any part thereof, either to the construction of the constitution contended for by the then Executive of that State, or to its conduct, at that period, towards the General Government and the Union.

In January, 1823, the Representatives in Congress from Massachusetts and Maine, suggested, by memorial, that the constitutional objection could not apply to a portion of the claim, and requested that the accounting officer of the Government might be instructed to audit and admit such part as might be free from that objection. In all cases where claims are pre-

sented for militia service, it is the duty and the practice of the accounting officer to submit them to the department for instruction as to the legality of the claim; that is, whether the service had been rendered by order of the competent authority, or otherwise, under circumstances to justify the claim against the United States, admitting that the evidence in support of it should be satisfactory. To this request there appeared to be no well-founded objection, under the reservation, as to the constitutional principle, and accordingly an order was given to the accounting officers of the Treasury to proceed in auditing the claim, with that reservation.

In conformity with this arrangement, the Executive of Massachusetts appointed two citizens of that State, commissioners to attend to the settlement of its claim, and who, in execution of the trust reposed in them, have presented to the accounting officer of the Treasury that portion, comprehending the services of the fifth division of the militia of the State, which has been audited and reported for consideration, subject to the objection above stated. I have examined this report, with the documents presented by the commissioners, and am of opinion that the services rendered by that division were spontaneous, patriotic, and proper, necessary for self-defence, to repel, in some instances, actual invasion, and in others, by adequate preparation, invasions that were menaced. The commissioners of the State having intimated that other portions of service stood on similar ground, the accounting officer has been instructed, in auditing the whole, to do it in such manner as to enable the Department to show distinctly under what circumstances each portion of service was rendered—whether voluntary, called out by invasion, or the menace of invasion, or by public authority; and in such case, whether the militia rendering such service was placed under the authority of the United States, or retained under that of the State.

It affords me great pleasure to state, that the Executive of Massachusetts has disclaimed the principle which was maintained by the former Executive, and that, in this disclaimer, both branches of the Legislature have concurred. By this renunciation, the State is placed on the same ground, in this respect, with the other States, and this very distressing anomaly in our system is removed. It is well known that the great body of our fellow-citizens in Massachusetts are as firmly devoted to our Union, and to the free republican principles of our Government, as our fellow-citizens of the other States. Of this important truth, their conduct in every stage of our Revolutionary struggle, and in many other emergencies, bears ample testimony; and, I add, with profound interest and a thorough conviction, that, although the difficulty adverted to, in the late war, with their Executive, excited equal surprise and regret, it was not believed to extend to them. There never was a moment when the confidence of the Government in the great body of our fellow-citizens of that State, was impaired; nor is a doubt entertained that they were at all times willing and ready to support their rights, and to repel an invasion by the enemy.

The commissioners of Massachusetts have urged, in compliance with their instructions, the payment of so much of their claim as applies to the services rendered by the fifth division, which have been audited, and I should have no hesitation in admitting it, if I did not think, under all the circumstances of the case, that the claim, in all its parts, was cognizable by Con-

SENATE.]

Francis Henderson, Jr.

[FEBRUARY, 1824.]

gress alone. The period at which the constitutional difficulty was raised, by the Executive of the State, was in the highest degree important, as was the tendency of the principle for which it contended, and which was adhered to during the war. The public mind throughout the Union was much excited by that occurrence, and great solicitude was felt as to its consequences. The Executive of the United States was bound to maintain, and did maintain, a just construction of the constitution; in doing which, it is gratifying to recollect that the most friendly feelings were cherished towards their brethren of that State. The Executive of the State was warned, in the correspondence which then took place, of the light in which its conduct was viewed, and of the effect it would have, so far as related to the right of the Executive of the United States, on any claim which might afterwards be presented by the State to compensation for such services. Under these circumstances, the power of the Executive of the United States to settle any portion of this claim, seems to be precluded. It seems proper, also, that this claim should be decided, on full investigation, before the public, that the principle on which it is decided may be thoroughly understood by our fellow-citizens of every State, which can be done by Congress alone; who alone, also, possess the power to pass the laws which may be necessary to carry such decision into effect.

In submitting this subject to the calm and enlightened judgment of Congress, I do it with peculiar satisfaction, from a knowledge that you are now placed, by the course of events, in a situation which will enable you to adopt such measures as will not only comport with the sound principles of our Government, but, likewise, be conducive to other the highest interests of our Union. By the renunciation of the principle maintained by the then Executive of Massachusetts, as has been done by its present Executive and both branches of the Legislature, in the most formal manner, and in accord with the sentiments of the great body of the people, the constitution is restored, in a very important feature—that connected with the public defence; and in the most important branch, that of the militia, to its native strength. It is gratifying to know, that this renunciation has been produced by the regular, orderly, and pacific operation of our Republican system, whereby those who were in the right at the moment of difficulty, and who sustained the Government with great firmness, have gained daily strength until this result was accomplished. The points on which you will have to decide, are, what is fairly due for the services which were actually rendered? By what means shall we contribute most to cement the Union, and give the greatest support to our most excellent constitution? In seeking each object separately we are led to the same result. All that can be claimed by our fellow-citizens of Massachusetts is, that the constitutional objection be waived, and that they be placed on the same footing with their brethren in the other States—that, regarding the services rendered by the militia of other States, for which compensation has been made, giving to the rule the most liberal construction, like compensation be made for similar services rendered by the militia of that State.

I have been led to conclude, on great consideration, that the principles of justice, as well as a due regard for the great interests of our Union, require that this claim, in the extent proposed, should be acceded to. Essential service was rendered, in the late war, by

the militia of Massachusetts, and with the most patriotic motives. It seems just, therefore, that they should be compensated for such services, in like manner with the militia of the other States. The constitutional difficulty did not originate with them, and has now been removed. It comports with our system to look to the service rendered, and to the intention with which it was rendered, and to award the compensation accordingly, especially as it may now be done without the sacrifice of principle. The motive, in this instance, is the stronger, because well satisfied I am, that, by so doing, we shall give the most effectual support to our republican institutions. No latent cause of discontent will be left behind. The great body of the people will be gratified; and even those who now survive, who were then in error, cannot fail to see, with interest and satisfaction, this distressing occurrence thus happily terminated. I therefore consider it my duty to recommend it to Congress to make provision for the settlement of the claim of Massachusetts, for services rendered in the late war by the militia of the State, in conformity with the rules which have governed in the settlement of the claims for services rendered by the militia of the other States. JAMES MONROE.

WASHINGTON, Feb. 23, 1824.

The Message was read, and ordered to be printed for the use of the Senate.

WEDNESDAY, February 25.

Francis Henderson, Jr.

On motion of Mr. BARBOUR, the Senate, in Committee of the Whole, proceeded to consider the bill reported by the Judiciary Committee, for the relief of Francis Henderson, jr. It will be recollected that this bill grants a certain sum of money to Mr. Henderson, who is the grandson of the late Colonel John Laurens, for diplomatic and military services rendered to the country by his grandfather. Mr. B. moved to amend the bill, by inserting a proviso, requiring, previous to the payment of the money, a full relinquishment of all claims for these services on the part of Francis and Frances E. Henderson, the father and mother of the person for whose relief the bill is drawn. Upon the question to amend, the merits of the bill itself were fully discussed.

Mr. LANMAN called for the reading of certain documents, showing the compensation which had already been made to Colonel Laurens, and his family. Messrs. BARBOUR, MILLA, and MACON, advocated the bill, and Messrs. CHANDLER, TAYLOR of Virginia, HOLMES of Maine, LANMAN, SMITH, BELL, and KELLY, opposed it.

The bill was supported on the grounds that the claim was one of strict justice—that the money was actually due for military services rendered by Colonel Laurens, and for outfit, which ought to have been allowed him in his diplomatic character, when appointed a special Minister to France; and that the objection made to paying the money to the grandson, instead of the daughter of Colonel Laurens, would be obviated by the adoption of the amendment,

FEBRUARY, 1824.] *Military Academy—Purchase of Land to remove a Drinking-house.*

[SENATE]

requiring the sanction of Mr. and Mrs. Henderson previous to the payment of the money.

It was objected against the passage of the bill, that Colonel Laurens, although he had rendered high and valuable services to the country, had received all the compensation that he had wished or expected for those services; that the length of time which had elapsed ought to be considered as a bar to all such claims; and that, if the claim were allowed at all, the money should be paid to the daughter, and not to the grandson of Colonel Laurens.

The amendment proposed by Mr. BARBOUR was carried. He then moved to fill the blank in the bill for the amount to be granted with "\$7,542 41." This motion was rejected—14 yeas, 23 nays. Considering this last vote as decisive of the fate of the bill, Mr. BARBOUR moved its indefinite postponement, which was carried without opposition.

FRIDAY, February 27.

Military Appropriations.

Mr. SMITH from the Committee on Finance, reported the bill from the House of Representatives, making appropriations for the military service of the United States, for the year 1824, without amendment. On motion of Mr. SMITH, the Senate, as in Committee of the Whole, Mr. BRANCH in the chair, proceeded to the consideration of this bill.

Military Academy—Purchase of Land to remove a Drinking-house.

Mr. MACON moved to strike out that part of the bill which provides an appropriation for the purchase of a farm in the vicinity of the Military Academy, at West Point, at a sum not exceeding ten thousand dollars; upon which farm there is a public house.

Mr. CHANDLER was in favor of striking out the clause alluded to. He thought it would be of no great use to purchase this farm, with the public house upon it, when another tavern could be erected immediately at some other place.

Mr. LOWRIE said he had hitherto entertained the opinion that the discipline at the Military Academy was such as not to require any appropriation like this; but since he had examined into the statement of its situation, in relation to this tavern, he had no doubt of the propriety of purchasing the farm. It had been stated that, in consequence of the location of this public house in the vicinity of the institution, the students obtained liquor, which was introduced into the barracks, against the rules of the Academy. He considered the only question to be, whether a great nuisance should be removed, at the expense of ten thousand dollars. The Senate would recollect that great sums of money had been expended upon this seminary; and if, by the appropriation of ten thousand dollars, a great evil could be removed from it, he thought it important that it should be done.

The object was incalculably greater than the expenditure proposed. He had much rather that the police of the institution should have been such as to restrain all improprieties of this kind; but perhaps it was not possible to restrain them. He understood the regulations were as good as they could be. He called for the reading of a letter, upon this subject, from the Superintendent of the Academy.

Mr. MACON believed that there was not a school, an academy, or an institution for the instruction of youth, in the United States, where similar evils were not to be found. These public houses, he said, were scattered about the country in every direction; and the expense would be immense if the Government was to purchase them all, to prevent their injurious effects upon our youth. He thought there was another objection to this purchase—the Government could not exercise authority over the land without the consent of the State of New York. West Point had been ceded to the Government by the State; and, therefore, jurisdiction could be exercised over it. But, if this farm was bought, the land attached to that institution will be held by two different tenures. If any profit is to be made by a public house there, another will soon be built—and the Government must buy all the land to prevent it. If the young students are determined to have a frolic, they will have it at all events.

Mr. HOLMES, of Maine, had strong doubts of this appropriation. We are about to vote ten thousand dollars for the purchase of this farm. The owner will know very well what amount is appropriated, and he will not take less than the whole amount. It is a monstrous price for the land. Mr. H. believed it very necessary that there should be a public house somewhere in the vicinity of the Academy, for the accommodation of the friends of the students, and others who might visit it, and he believed there would be one. It is said that the place is so surrounded by mountains, that there is no spot on which to erect another house. But there is certainly a road over the mountains leading to the place; and enterprising individuals will be found, who will erect another house on or near that road. If the mountains are as high as Atlas itself, they will have a tavern—they will build a house upon the mountain, and make steps to it, if there is no other place. Are not these irregularities among the students the fault of the discipline of the institution? When the students wish to violate the rules, would they not rather have the public house further off? If the house were at a distance, so as to be without the view of the officers of the Academy, would not the excesses be greater? If we purchase this farm, another house will be immediately erected upon the borders of it, and the excesses will be greater there than they are at the present place. If the purchase is made at all, it must be by cession of the jurisdiction from the State. But, Mr. H. did not believe there was any necessity for the purchase.

Mr. LOWRIE said he had no doubt that a tavern was necessary in the vicinity of the Academy; and there certainly might be one there; but he thought it ought to be under the regulation of the Government of the institution. As to the question of jurisdiction, the United States undoubtedly have a right to purchase the same title which the present owner possesses; and this is all the jurisdiction that is wanted. He believed the object to be much greater than the price to be paid; and it was somewhat doubtful whether the farm could be purchased for the sum proposed.

Mr. LLOYD, of Maryland, hoped the amendment proposed by the gentleman from North Carolina would prevail. This appropriation would introduce a new principle into our Government—a principle that we should purchase out every nuisance that exists in the neighborhood of our public seminaries. We confess that we are so deficient in discipline that we cannot prevent these bad effects, except by purchase. We have such nuisances near to every camp, arsenal, and public institution of every kind in the country. If a tavern becomes a great nuisance, instead of suppressing its abuses by the civil authority, we are to put it down by purchasing it. It is establishing a dangerous precedent. But, Mr. L. asked, with all respect for this Academy, and the men connected with it, why Congress was called upon to guard the morals of those youths only who are to be educated for the military service? Almost every other institution in the country is subject to the same inconveniences. It is our duty to guard their morals as well as those of the Military Academy. And are we certain, if the appropriation is made, and the farm purchased, that we shall get rid of the evil? No man can believe that, if the discipline of the institution is so lax as to suffer these excesses, and the young men are disposed to engage in them, that two or three miles will make any difference? If there is a tavern anywhere near the place, they will find the way to it. It seems that this violation of the rules of the Seminary takes place after 12 o'clock, at which time the guard is removed. Let the guard be posted till daylight, then. Is it not better to pursue that course than to establish the new system of jurisprudence proposed in this bill? Mr. L. thought the measure would not produce the good effects which were expected from it. If the Attorney-General is correct in his opinion, the students of this Academy are subject to martial law. The same restraints must be imposed upon them as upon soldiers of the line. The officers have only to make their rules more strict. They must post their guards till sunrise, if necessary. Mr. L. said he doubted the constitutionality of the measure now proposed. He believed the United States could exercise no jurisdiction over the farm in question without the consent of the State. The jurisdiction cannot be acquired, except for the purposes which are specifically provided in the constitu-

tion. [Mr. L. read the provision of the constitution on this subject.] Under that clause, he did not believe that a purchase could be made for this object; and he thought it would introduce a bad principle into the Government.

Mr. VAN BUREN said that his honorable colleague, who was a member of the committee that reported this bill, and who had paid considerable attention to this subject, was not now in his seat. He therefore moved that the bill be postponed till Monday next, and made the order of that day. This motion was agreed to.

MONDAY, March 1.

Death of the Representative, William Lee Ball, Esq.

A message from the House of Representatives announced to the Senate the death of WILLIAM LEE BALL, late a member of the House of Representatives from the State of Virginia, and that his funeral will take place to-morrow, at twelve o'clock, M.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of Sarah Easton and Dorothy Storer; and it was postponed until to-morrow.

On motion, by Mr. BARBOUR, it was

Resolved, unanimously, That the Senate will attend the funeral of the Hon. WILLIAM LEE BALL, late a member of the House of Representatives, from the State of Virginia, to-morrow, at twelve o'clock, and, as a testimony of respect for the memory of the deceased, they will go in mourning, and wear craps round the left arm, for thirty days.

The Senate then adjourned to Wednesday.

WEDNESDAY, March 3.

Military Appropriations—West Point Academy—Purchase of Land to remove a Drinking-house.

On motion of Mr. SMITH, the Senate (as in Committee of the Whole) resumed the consideration of the bill from the other House making appropriations for the military service of the United States, for the year 1824. The question was stated from the Chair, to be upon the motion made by Mr. MACON, when the bill was before under consideration, to strike out the clause providing for the purchase of a farm, upon which is a tavern, in the vicinity of the Military Academy at West Point.

This motion was supported by Messrs. HOLMES of Maine, CHANDLER, MACON, LLOYD of Maryland, BRANCH, TAYLOR of Virginia, and LANMAN, on the ground that the purchase of the farm in question would not remove the nuisance, in consequence of the existence of which, the purchase is proposed; as a tavern might be built on some place a little further removed from the Academy; and the incapacity of the United States to make the purchase, and hold the title, was urged as an objection. The motion to strike out this appropriation was opposed by Messrs. KING of New York, VAN BUREN, SMITH, HAYNE, and MILLA, who con-

MARCH, 1824.]

Transportation of Specie, &c., in Public Vessels.

[SENATE.]

tended that the removal of the tavern from this farm, or its regulation by the officers of the Academy, would eminently promote the interest of the institution, and preserve the morals of the students. The power of the Government to purchase and hold the land was also supported. The question was then taken, by yeas and nays, and decided against striking out this appropriation, 16 in the affirmative, and 26 in the negative, as follows:

YEAS.—Messrs. Barbour, Barton, Bell, Branch, Chandler, Gaillard, Holmes of Maine, King of Alabama, Lanman, Lloyd of Maryland, Macon, Palmer, Talbot, Taylor of Indiana, Taylor of Virginia, and Ware—16.

NAYS.—Messrs. Brown, Clayton, D'Wolf, Eaton, Edwards of Connecticut, Elliott, Hayne, Holmes of Mississippi, Jackson, Johnson of Louisiana, Kelly, King of New York, Knight, Lloyd of Massachusetts, Lowrie, McIlvaine, Mills, Noble, Parrott, Ruggles, Seymour, Smith, Thomas, Van Buren, Van Dyke, and Williams—26.

The bill was then reported to the Senate without amendment, and passed to a third reading.

FRIDAY, March 5.

Transportation of Specie, &c., in Public Vessels.

The bill reported by the Committee on Naval Affairs, "regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United States," was taken up for consideration in Committee of the Whole.

Mr. LLOYD, of Maryland, said, as he had offered the resolution which gave rise to this bill, he thought it his duty to state the views which induced him to propose it. He felt a great interest in the Navy, and wished to do all he could to sustain its honor. He believed the permission to carry specie had grown up, like many other of our practices, from the example of England. But it became now necessary to inquire how far the honor and welfare of the country and its Navy was compromised by this practice. Considerable sums of money have been made in this traffic by some of our officers; our public vessels have been the depositories and the insurers of the property of foreign nations, and of belligerents. This permission to carry specie was calculated to destroy the fine and chivalrous feelings of the officer—to turn his mind from seeking "reputation at the cannon's mouth," to interested and sordid pursuits. Further than this, the practice was liable to involve us in difficulties with foreign nations. It was an infringement of our neutral character; it was authorizing a practice in regard to those nations which had not the power of resistance, which the more powerful would never submit to. These considerations, affecting the character of the country and the Navy, led him to believe that the transportation of specie in public vessels ought to be prohibited.

Mr. LLOYD, of Massachusetts, said he believed that the transportation of specie in public vessels might be permitted, under certain regulations, without detriment to the service. Great Britain had allowed this practice in her navy, time out of mind, under restrictions. In our Navy there has been no regulation on the subject, and it ought not be permitted to go on so. Our vessels were liable to engage in any improper cruises, and to enter improper ports, for the purpose of carrying on this trade; and it might jeopardize the peace of the country. The transportation of specie by our public vessels certainly requires some regulation, although Mr. L. thought it was not proper to prohibit it entirely. The bill now before the Senate contains the necessary provisions: it provides what ports specie may be carried to and from, and what countries, under certain circumstances. The permission to bring specie in the national vessels to the United States is important to the country. It is said that we are in great want of specie; the embarrassments of the manufacturers, particularly, are said to be very great—and how are we to get specie? It must come from foreign countries, and the public vessels furnish the safest mode of transportation. He believed that no dishonorable acts could be charged upon our naval officers in this respect.

Mr. LLOYD, of Maryland, rose to explain. He had not the least intention to charge any of our naval officers with improper conduct, but thought that the transportation of specie ought to be prohibited, to prevent consequences which might hereafter result from the practice.

Mr. LLOYD, of Massachusetts, said he had not understood the gentleman from Maryland as intending to prefer any charges against the officers of the Navy. He believed there was no danger that their honorable character would be affected by continuing this practice. It had not produced that effect upon the officers of the British navy. Hitherto we have had no regard to the maximum of freight to be allowed for the transportation of specie. This bill has a provision on that point. In the present absence of all regulation, the commanders of the vessels have themselves received all the benefit accruing from the freight of the specie. Not so in the British service. A certain part of the freight in their vessels goes to the other officers, and a part to the Greenwich hospital. The present bill has a similar provision. A certain portion of the freight money is to go to the inferior officers and to the Navy Hospital fund. It appears to the committee proper that some regulation should also be adopted in relation to the transportation of passengers. Considerable inconvenience has occurred from carrying passengers. We have been in the habit of making drawing-rooms of the cabins of our public vessels. This is certainly not beneficial to the service. If our captains can carry their ladies and families in their vessels, the lieutenants may do the same; and this will be an increasing evil. The bill proposes checks upon the improprieties

SENATE.]

Transportation of Specie, &c., in Public Vessels.

[MARCH, 1824.]

that may hereafter occur. Mr. L. thought that it would be better to take up the bill, section after section, in order that it might be fully considered, and opportunity be afforded for amendments, if gentlemen should think proper to propose any.

Mr. SMITH said, that he was not yet sufficiently informed upon this subject, to go into the consideration of it at the present time. He therefore moved its postponement until Wednesday next. This motion was agreed to.

MONDAY, March 8.

Purchasers of Public Lands.

Mr. NOBLE presented the memorial of the General Assembly of Indiana, suggesting the expediency of authorizing, by law, all those persons who suffered a forfeiture of lands on which payments had been made, and the forfeiture incurred prior to the act for the relief of purchasers of public lands, passed in 1821, to apply the amount paid to the purchase of other lands; and, of reducing the price of certain public lands within that State, of an inferior quality. The memorial was read and referred to the Committee on Public Lands.

Mr. NOBLE said, in presenting the above memorial, that he was proud to have it in his power to say, that in the memorial, the Legislature had manifested their attachment to the Federal Government, and for the interest and prosperity of it. He said, the Legislature had gone further—that they had, on the part of their constituents, and for themselves, acknowledged the benevolent policy heretofore exercised by Congress towards the purchasers of public lands, by which many of them have been redeemed from ruin, and saved from forfeiture; and without the aid of such policy, their lands must have reverted to the United States.

The Legislature, said Mr. N., presents two subjects for the consideration of Congress, both of which he deemed to be well worthy of consideration. The first was, that of permitting, by law, those individuals who, prior to the act of Congress for the relief of purchasers of public lands, passed in 1821, suffered a forfeiture of lands on which one or more payments had been made, to apply the amount of their forfeitures in the purchase of other lands, confining them to the districts wherein the forfeitures accrued. There can be no objection to this, because the lands have reverted to the United States, and the amount of money paid by the purchaser, which was the forfeiture, is in your Treasury. You are not asked for money, but merely for land, since you have been in the habit of selling in tracts of eighty acres, and the application of the forfeitures to be confined to the same land districts.

The second subject is, the expediency of reducing the price of public lands in those districts where they had been offered for sale, for ten or more years, and have not yet found purchasers. The history of the sales of the pub-

lic lands in this country, proves, that, to reduce the price of your lands in the old settled parts of the country, is a true policy. We all know, that your good lands are first selected, and the most indifferent tracts are rejected; and, as the districts become closely settled, these refused indifferent, and broken tracts of land, serve only for those persons adjacent, to trespass upon, cut, and carry away your timber, thereby in time, rendering the land of little or no value to the Government. The Legislature of Indiana, from the pride of attachment to the General Government and for their interest, as well as the interest of the State, apprise you of the facts, and disclaim any other motive.

WEDNESDAY, March 10.

Transportation of Specie, &c., in Public Vessels.

The bill reported by the Committee on Naval Affairs, "regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United States," was again taken up for consideration, as in Committee of the Whole.

Mr. LLOYD, of Massachusetts, made a few remarks in support of the bill.

Mr. LLOYD, of Maryland, proposed to amend the bill, so as to prohibit the public vessels of the United States from giving convoy to vessels of belligerent nations, having specie, &c., on board.

Messrs. PARBOTT, LOWRIE, LLOYD of Maryland, SMITH, and LLOYD of Massachusetts, spoke upon the propriety of this amendment, and it was then adopted.

Mr. KING, of New York, suggested a verbal amendment, which was agreed to.

Mr. PARBOTT proposed an amendment, in regard to the distribution of the commission received for the transportation of specie, &c. The bill provides that one-third part of the freight money so received, shall go to the commanding officer of the vessel; one-third to the commissioned officers, and the remaining third to the Navy Hospital Fund. Mr. P.'s motion was, that the commanding officer should have one-half; that one-quarter should go the Navy Hospital Fund, and the other quarter to the Navy Pension Fund.

Some debate arose upon this motion, in which Messrs. LLOYD of Maryland, LLOYD of Massachusetts, CHANDLER, PARBOTT, and HAYNE, took part. The Senate refused to adopt this amendment. An explanation of the object and uses of the Hospital fund was made between Messrs. LLOYD of Massachusetts, and SMITH.

The bill was then reported to the Senate, as amended, and passed to be engrossed and read the third time.

FRIDAY, March 12.

JCSIAH S. JOHNSTON, appointed a Senator by the Legislature of the State of Louisiana, to sup-

MARCH, 1824.]

Amendment of the Constitution—Caucus System.

[SENATE.]

ply the vacancy occasioned by the resignation of James Brown, (appointed Minister to France,) produced his credentials, was qualified, and took his seat in the Senate.

MONDAY, March 25.

Case of Reuben Colburn.

The report of the Committee on Claims, unfavorable to the petition of Reuben Colburn, was taken up for consideration. This petitioner prays compensation for two hundred and twenty bateaux, built in 1775, for the use of the troops of Colonel Arnold, then about to march into Canada; and for sundry other services rendered, and disbursements made for the country at that time. He states, that he delivered over his accounts and vouchers for said disbursements and services, to the Commissioner appointed by Congress for auditing and settling the accounts of the State of Massachusetts against the United States; that they were either lost or mislaid by said commissioner, and that they were not acted upon, nor could be obtained, for several years thereafter, to be exhibited again for settlement. He, therefore, prays that Congress would adjust his account, and pay him the balance due thereon. The committee report, that the great lapse of time since the services of the petitioner were rendered, and the loss of public records and documents relating to the accounts of that period, render it doubtful whether he has any just claim upon the Government. They believe that the security of the Government, against unjust and fraudulent claims, requires that a lapse of time, such as has occurred in this case, should be regarded as a bar to all claims of a doubtful character; and that, therefore, the prayer of the petitioner ought not to be granted.

Mr. CHANDLER opposed the report of the committee, and moved to reverse it. Mr. HOLMES of Maine, also spoke in opposition to the report, and Messrs. BELL and RUEGLES supported it. The question, on reversing the report, was then put, and decided in the negative—12 to 16. The report of the committee was then agreed to.

THURSDAY, March 18.

Amendment of the Constitution—Election of President and Vice President—Caucus System.

Mr. KING, of New York, observed, that the excitement respecting the next election, had become such among the people, and in Congress, who had been, for the two last years, much occupied about it, that the sober and impartial examination of the very important subject of amendments of the constitution cannot be now expected. The amendments should, therefore, be postponed to a period when the Senate may hope for a more temperate and rational examination of them than at the present time can take place.

Without entering into any examination of the proposed amendments, he should vote for their postponement, not only for the reasons which

he had assigned, but for another, and, as he thought, a still more important consideration; in referring to which, he must request that he might not be supposed to want respect for, or to claim authority over, the opinions of any member of the Senate. We all stand here as equals, and it was for this cause, after the expression of his deference to the rights of others, he hoped, without offence, that he might exercise his own rights. He should, therefore, proceed, after touching on certain fundamental provisions of the constitution or bond of union, of the United States, constituting what he called the true balance of power in our political system, to draw the attention of the Senate to a new, extraordinary, self-created, central power, stronger than the power of the constitution which has risen up at the Seat of Government; a power which has assumed the direction and control of the fundamental provisions of the constitution, relative to the election of the President. In attempting to reform the constitution, it is not only necessary correctly to understand its established and well-considered regulations, but to make inquiry concerning the manner in which these regulations have been observed, and the advantages or disadvantages which are found by experience to proceed from the observance of or departure from the established provisions of the compact, by which, under the guarantee of all to each, the States expected to remain separate, coequal, and sovereign republics.*

* Here the debate took a sudden turn, deflecting from the question before the Senate, and not returning to it during the session. The occasion of this deflection was this: It was the session—the long session—immediately preceding the Presidential election; and a minority of the members, some sixty or seventy, had met in caucus, and nominated Mr. William H. Crawford. There were four other candidates for the Presidency: General Jackson, Mr. John Quincy Adams, Mr. Clay, and Mr. Calhoun. The friends of all of these had been in Presidential caucuses on previous occasions, but all objected to one now—it being well ascertained that Mr. Crawford, having the greatest number of supporters, though not a majority of the whole, would receive the nomination; so none would go in but Mr. Crawford's friends. There was but one caucus then held—there being no division of parties in that "era of good feelings," (as it was called,) which grew up under Mr. Monroe's administration, when federalism being extinct under the mistake of some of its members in opposing too violently the war, and under the most acceptable conduct of others of them in supporting it, (which divided and dissolved the party,) there remained but one political party in the field—the Republican, as it was then called; now the Democratic. All the candidates for the Presidency then clasped politically together, and all might have gone into the same caucuses, as theretofore: but all refused, except Mr. Crawford's friends; and the friends of all the other candidates united against the caucus system, and the caucus candidate, (as Mr. Crawford was called;) and they broke down, both the system and the candidate. This speech of Mr. King was the first attack in Congress upon the system, and the debate to which it led carried the question directly to the people, and made the caucus system, itself, an issue in the election; and with the total overthrow of the system. In place of it, conventions of delegates, fresh from the people,

[Mr. King then proceeded to give his views of some of the fundamental provisions of the constitution, and of the balance of power in our political system, which were merely introductory to the main object of his speech, and continued:]

The *central power* at the Seat of Government is at present composed of a select number of the members of Congress, who, from their official station, have access to, and intercourse with, the foreign ambassadors, as likewise with the great officers of the Government, and, by aid of the Post Office, and the public press, communicate with their associates throughout the country. Such a body are capable of having, and actually do possess, great influence in every part of the Union. They are under no restrictions as to the number and condition or residence of their members; the Judges of the Supreme Court, should they consent, may be added to this central junto, an addition which would increase their respectability and influence; they might proceed further, and the Heads of the Executive Departments might be requested to become members of the central junto; should they also unite with them, their influence would be still further increased. Should perilous times occur and men of unchastened ambition become the President and Vice President of the United States, they would employ this central power to fill the two Houses of Congress with their favorites, and, by their co-operation with the Governors and popular clubs at the seats of the State Governments, be able to effect in our own free country changes which might utterly subvert our beautiful scheme of Government. Should this central power, extending to all portions of the Union, be able, by the co-opera-

tion of its associates, to discredit and supersede the separate powers of the States in the choice of President, it would afterwards find less difficulty in effecting the consolidation of the Executive power of the United States, which, by the constitution, proceeds from, rests upon, and is bound to defend, the separate authority of the respective States. This done, the reform will not stop at the consolidation of the Executive power of the United States, ruinous as that measure may prove; but will extend to the legislative department, and, difficult as the attempt may seem, endeavor to abolish the equality of the States in the Senate. This alteration may, in the commencement, be a mere recommendation, like the *congé d'élire* or nomination of the President by the central power at the Seat of Government; but, recommendations often repeated, will, in time, become imperative commands, and to this end it will be urged that, by these means, our plan of Government will become more economical, more simple, more magnificent, and less liable to change from occasional popular excitement. We may have one Chief Magistrate, instead of twenty-five—one legislature of three hundred members, instead of twenty-five legislatures of three or four thousand members—one judiciary instead of a thousand, supported by lawyers, whose numbers would form an army—and instead of an irregular choice of the President by the present mode, we may have one unbroken succession of Presidents, from a consistent and perpetual body, whose plans of policy and pretensions to power had been settled by uninterrupted and secret deliberations.

It is demanded that any member of the Senate would point out an article or clause of the constitution which authorizes, or gives the slightest encouragement to, measures of any sort, by which a concentration of the votes for the President may be effected, previously to the choice of Electors in the several States. If no such authority can be shown, and Mr. K. said that, in his opinion, none could be pointed out, it may be fairly inferred, from the provisions of the constitution, and the power of Congress to give effect to those provisions, respecting the times of appointing the Electors, the time, manner and places, where they must assemble and give their votes, within their respective States, not only that no such authority exists, but the precise and definite regulations which restrict and confine, within the respective states, the initiatory process in the election of the President, exclude every other and different manner of beginning the election, and connected with the prohibition of members of Congress and persons holding offices under the United States from becoming Electors, demonstrate the illegality and dangerous tendency of a central power, at the Seat of the General Government, combining to nominate the President of the United States eight months before his election. Members of Congress belonging to this central power, and moreover possessing great talents,

knowing their will and doing it, were substituted, and the substitute worked well while its letter and its spirit were observed; but degeneration ensued. Instead of delegates, fresh from the people, knowing their will and doing it, the conventions became gorged with office-holders and office-seekers, generally appointed by intrigue and fraud, and wholly intent upon doing their own will, for their own benefit; and also largely composed of delegates from States which could give no vote for the person nominated, but who could control the nomination, and, of course, control the election, so far as the party was concerned. These abuses became so glaring and flagrant in the course of the first twenty years of the convention system, that one of the most instrumental in putting down the Congress caucus system, (Mr. Calhoun,) made a public protestation against it—declaring it to be “*an hundred times*” worse than the old caucus system! tending directly to corruption, to the centralization of the Government, and the annihilation of the elective power of the people; and, therefore, he refused to suffer his name to go before the Democratic convention of that period, (1844.) In justification of his opinion of conventions, Mr. Calhoun published his reasons at large, in an address to the people of South Carolina; and strong as those reasons were at that time, it must be admitted that they have grown stronger with the sitting of every convention which has since sat. This subject may be seen fully treated, (with copious extracts from Mr. Calhoun’s Address,) in vol. 3 ch. 137, of the *Thirty Years’ View*.

MARCH, 1824.]

Amendment of the Constitution—Caucus System.

[SENATE.]

learning, and experience, will obtain an influence with the Executive departments which must impair the just influence of others, not possessing the same authority. With these discriminations, such members, received with distinction by foreign ambassadors, and necessarily holding, under circumstances of favor, intercourse with the chief officers of the Government, will form connections, and establish regular intercourse with persons of like talents and learning in the several States, and, in a special manner, at the seats of government of the principal States—these distinguished men becoming the illuminati of our country, and being regulated by a sort of freemasonry, the sign and pass-word of which will, at once, place the initiated in full confidence and communion with each other in all parts of the Union. Such combinations secure to the members of the central power influence and advantages in the making laws, as well as in the procuring of appointments of every sort, and above all, in promoting the election of such candidate for the Presidency as they may select and nominate. The members of the central power will, under such circumstances, devote more of their time, during the sessions immediately preceding an election, in arranging, combining, and extending the means to effect the election of their candidate, than will be bestowed on the ordinary and regular business of Congress; and, instead of doing the business that they were deputed to perform, they will be engaged in other duties which interfere with them.

Mr. SMITH, of Maryland, was in favor of some amendment of the constitution, in order to establish a uniform mode of electing the President; and the resolution now before the Senate would only go to produce that effect.

The resolution proposed by the gentleman from Missouri had been taken up, and partly discussed—and, Mr. S. said, he did not know why it should not be further considered. He had never listened with more pleasure than to the arguments of that gentleman in support of the plan he had proposed; and, as other members had intimated their wish to reply to those arguments, Mr. S. was willing they should have the opportunity to do so. When the speech of the member from Missouri came to be printed, as it probably would be, and as it richly deserved to be, he wished to see the arguments of those who were opposed to that gentleman's plan also printed—that the public might see and judge of the reasons urged in its support. As to the practice of holding caucuses, to which the gentleman from New York had alluded, it had long existed in this country. It was no new thing here. It had been adopted on a great many important occasions—it had produced a great many good effects. Mr. S. believed the first embargo was agreed upon in caucus. Every one had a right to the exercise of his own opinions and principles, on that subject. But, Mr. S. said, he considered the present question to be upon the propriety of establishing some uniform mode of electing the

President; and this, he thought, ought to be done.

Mr. VAN BUREN, of New York, said, that it had not been his intention to add any thing to the remarks he had heretofore submitted on the motion now under consideration, but some explanation on his part had become necessary. It would, he thought, be injustice, as well to his constituents as to himself, to suffer the new views which had been taken of the subject by his honorable colleague, to pass unnoticed. In discharging the duty thus imposed upon him, he would not increase the excitement which has been manifested, by giving any latitude to the discussion which the occasion did not call for. No portion of the time of the Senate would be occupied by him, in discussing the constitutionality of a Congressional caucus; nor in considering any of those nice distinctions which challenged respect for the proceedings of conventions of one description, and denied it to others; nor in detecting those still more subtle refinements which regarded meetings of the same character as sometimes proper, and others destructive of the purity of elections and dangerous to the liberties of the people. He could not satisfy himself that this was either the place or the occasion for discussions of that character. But, whilst he abstained from following his colleague in the remarks having reference to this subject, which he had allowed himself to make, Mr. V. B. hoped he would not be understood as wishing to raise a question as to the propriety of the course which his colleague thought proper to pursue. It would not become him to do so. The principal ground taken for the postponement of the resolution, on a former occasion, related to the excitement produced by the approaching election, and the superior fitness of a future period for the consideration of the subject. This ground had now been much enlarged. It had been observed by an honorable member from North Carolina, in opposition to the motion, that the necessity of some amendment of the constitution, in this respect, was generally admitted, and had been extensively called for by the people. Mr. V. B. understood his colleague not only to deny the fact alleged, as to the state of public opinion, but to contest the propriety of any amendment of the constitution on the subject of the choice of President and Vice President. It was on those two points he would make a few remarks.

It could not, he thought, be necessary, and might not be proper, to detain the Senate by a minute statement of the various proceedings of Congress, and of the States, on the subject. A very brief reference to them would show that the gentleman from North Carolina was supported by facts in the opinion he had expressed. Mr. V. B. believed that, on examination, it would be found that the first movement on the subject had been made by the State he had the honor, in part, to represent. It was now twenty-two years since the Legislature of New

York, shortly after an election, and under circumstances entirely disconnecting the measure with any pending controversy, had, with great unanimity, passed resolutions in favor of an amendment of the Constitution of the United States, requiring the division of the respective States into districts for the choice of Electors, and authorizing their selection immediately by the people. Those resolutions were communicated to Congress, and would be found on the Journals of the Senate; since that time the subject had been acted upon, at various periods, and in different forms, as well by Congress as the Legislatures of the different States. Of the proceedings of the latter, those of North Carolina and New Jersey have been most conspicuous. The Legislature of North Carolina passed resolutions, nearly similar to those of New York, and sent them to the different States for concurrence. New York instructed her Senators, and requested her Representatives to endeavor to obtain the amendment proposed by North Carolina, and many of the States gave similar instructions. At least three times within eleven years, and as late as the year 1822, resolutions, proposing amendments to the constitution upon the subject of the election of President and Vice President, have passed this body, by more than the constitutional majority, and there had been few sessions for several years, in which the subject had not been more or less acted upon. Early in the present session, resolutions for amendment had been proposed by Senators from Missouri, New Jersey, South Carolina, Massachusetts, and New York. Their respective propositions had been referred to a committee, combining much of the talent and experience of the Senate, of which his colleague was a member. The subject had been considered with great care, and a plan reported, containing, as the committee thought, the best parts of the resolutions referred to them. In that report, he understood the committee were unanimous, and appearances certainly indicated the adoption of some resolution on the subject at the present session. Such were his impressions, and he thought that such had been the opinions of the members of the Senate generally. In view of the facts he had stated, he could neither repress nor conceal his disappointment in finding the motion for postponement now supported on the ground that no amendment was desired by the people.

Mr. V. B. said that, although the resolution he had proposed had not been wholly adopted by the committee, and notwithstanding he desired material alterations of that reported, still, if he should be unsuccessful in his endeavors to obtain the alteration he wished he would cheerfully vote for the amendment reported by the committee. He considered it to be far preferable, for all concerned, to the existing provisions of the constitution. It would be unwise, he thought, to examine the merits of the various plans proposed, before the Senate

decided on the present motion. He was unwilling to occupy the time of the Senate in discussions, which might be rendered worse than useless, by the postponement of the subject; but his honorable colleague had taken one view of the question, which rendered a brief reply indispensable. If Mr. V. B. had correctly understood his colleague, he had spoken of the proposed amendment, as an attempt, on the part of the large States, to deprive the smaller States, in the Confederacy, of their equal votes, in the House of Representatives, in the choice of President, on the ground of its being a usurpation which ought to be repressed; and, thus considering the subject, he had enlarged on the circumstances under which this right was conceded to the small States, and had spoken of the great danger to which they were exposed, from the possible combination between the States of Virginia, Pennsylvania, and New York. Mr. V. B. thought it due to his constituents, from their relation to the question in that form, and to himself, also, as having introduced one of the resolutions, to disclaim, for both, any views of the character alluded to. A reference to what had taken place here, ought to dispel the erroneous impression which had been made on the mind of his colleague. The first proposition for the amendment of the constitution, in this respect, offered at this session, came from Missouri, the youngest, and, except one, or perhaps two, the smallest State in the Confederacy; and the others, from New Jersey, South Carolina, Massachusetts, and New York, in the order in which he had named these States. The propositions from New Jersey and South Carolina yielded the principle of giving to each State an equal vote, on receiving what they regarded as an equivalent. That equivalent consisted in the division of the large States into districts, to which, by the suggestion of the gentleman from South Carolina, was added the proposition, which could not but prove conservative of the interest of all, the removal of the decision from the House of Representatives. The principal difference between the plan he had the honor to propose, and those of which he had last spoken, was, that, instead of providing for the ultimate decision of the question by the House of Representatives, as was done in that of the gentleman from New Jersey, he proposed a second reference to the Electors; and, instead of sending it back as often as might be necessary to a choice, as proposed by the gentleman from South Carolina, Mr. V. B.'s plan compelled a choice on the second ballot by the Electors; a majority of the committee, to which the several propositions had been referred, were from small States, and they had agreed on an amendment, founded on principles of reciprocal concessions for the general good. This was all that the Representatives of the large States had, as he understood them, contended for. They could not, ought not, did not, desire that the small States should

MARCH, 1824.]

Amendment of the Constitution—Caucus System.

[SENATE.]

surrender any portion of the power and influence now secured to them by the constitution, unless these States should, themselves, think, that their own condition would be improved, and the general welfare promoted, by their doing so, on receiving concessions, fully equivalent, from the large States. Considerations of such liberal and equitable character had been held out on both sides, and the conflicting interests of the different States, on this point, arising from their unfortunate inequality, had hitherto, to the honor of the Senate, been commented upon without the least acrimony, and under the control of feelings which promised the most auspicious results. Mr. V. B. said that nothing had taken place to change his views or disposition on the subject. He was anxious to continue the discussion, and was willing to lend his feeble efforts to obtain the adoption of some resolution, on the subject, at this session. To this end, he was ready, on the part of his constituents, to make all reasonable sacrifices. If, however, gentlemen thought that the next session would be a more propitious period, and the character of the debate, on this motion, certainly afforded some reason to believe that it might be so, he would bow, respectfully, to the will of the majority. Until, however, that was expressed, he would continue to oppose the postponement.

Mr. DICKERSON, of New Jersey, said: The Convention who formed our constitution could not have foreseen all the effects of its operation—powers have resulted from it that were not anticipated—the relative strength of the States has undergone a change, which has disturbed the checks and balances of the constitution. The honorable gentleman from Missouri (Mr. BENTON) has shown the evils of the present system of electing a President, and the necessity of districting the States for that purpose, in the strongest point of view. The election of a President by the people at large, would be a preferable mode, if it were practicable; but, whoever will look at the situation of our country, with its different kinds of population; different modes of election; different qualifications of voters, must at once perceive that such an election is utterly impracticable. The choosing of the Presidential Electors, in single districts, is the nearest possible approach to an election by the people at large.

A disproportion has grown out of the relative powers of the great and small States, which the members of the Convention could not have foreseen, and which has given a new character to our system.

In an election by Electors, six great States can control the election; and leave eighteen States without power or influence upon the question. In the House of Representatives, thirteen small States, with forty-five Representatives, can elect a President against the residue of the States, with one hundred and sixty-eight Representatives. Why should the great States be all-powerful in the first case, and the small

States in the latter. The gentleman from New York (Mr. KING) is willing to put the small States on an equality with the large. Is he so? This is very strange. But it is only on choosing a President in the House of Representatives, which can rarely occur. But, is he willing to give this equality of vote, on the first election of a President, which must occur every four years? No. New York, Pennsylvania, Virginia, North Carolina, Kentucky, and Ohio, have one hundred and thirty-three Electors, and can control the election of a President—bare majorities, in each of these States, can control the Union, upon this question. These States are of contiguous territory, and may easily have a community of interest that shall bind them together, at least upon one question. The gentleman from Missouri says, that the power exercised by the Legislatures of the States, to appoint Electors, is a usurpation—that it ought to be relinquished, without any concession of power on the part of the small States. Call this power by what name you please, it is now a permanent power; only to be reached by an amendment of the constitution. However incorrect the construction of the constitution might have been, and was, when this power was first assumed, it has been acquiesced in for more than thirty years. To reject the electoral votes thus given, at this time, would be to dissolve the Union. It is too late to oppose the exercise of this power. But the power, on the part of the States, to choose their Electors by general ticket, is not denied; and yet its effect is precisely the same; it gives the great States precisely the same power to control the election of a President. So far as regards the citizens of the large States where it may be adopted, it is equally oppressive to the minorities, and less calculated to give a fair expression of the will of the majorities. In the State of New York, for instance, with a population of a million and a half, and a territory of forty-six thousand square miles, thirty-six Electors are to be chosen by general ticket; they must be selected from the different districts of the State—any other arrangement could not succeed. The voters, generally speaking, would not know, even by name, more than one or two of the Electors to be voted for; for all the rest, they must vote upon trust. The voter follows the great man of his town—he the great man of the county—and he some three or four great men of the State; who thus wield the force of a million and a half of people.

If the Legislature choose the Electors, they have the opportunity of knowing whom they choose; they are the agents in whom their constituents confide; they, at least, afford a connecting link of information between the people and the Electors to be chosen.

The dangers of choosing the President, in 1801, were such as to threaten us with dissolution of our compact. But, the difficulties now to be contended with, in such an election,

SENATE.]

Amendment of the Constitution—Caucus System.

[MARCH, 1824.]

would be made much greater. Then, there were but two candidates; the first ballot would have resulted in a choice, if some States had not been divided. Now, there must be three candidates. The House of Representatives will be divided between the three; even the Representatives of the States may be divided between the three. The confusion might become inextricable.

Suppose New York were to give 12 votes to A, 11 to B, and 11 to C, would this insure the vote of New York for A? The friends of B and C would say not. Should a plurality or majority govern in such a case? Should the State say what was its vote? or should the House of Representatives prescribe the rule? The case is full of difficulty and danger.

This amendment, Mr. D. said, if it should be agreed to by the requisite number of both Houses of Congress, must be submitted to the several States; and, unless three-fourths of them were in favor of it, it could not be adopted. The large and the small States must all be consulted, and he well knew it would be very difficult to get any amendment adopted. It is said that it will take away the rights of the States. But, unless they agree to it, the proposition can never take effect. Mr. D. thought the present provision of the constitution, in respect to the election of President, was extremely weak. He was fully convinced that it was the unanimous opinion of the old States, that some alteration ought to take place; they have earnestly looked for it; they ask it at our hands. Both the small and the large States will consent to give up something for the sake of effecting that object. Neither of them would be willing to do it, unless an equivalent was obtained. Mr. D. feared that the present was not the time to act upon these amendments; he thought it would be necessary to test the constitution, as it now stands, a little longer. It would take a long time to get any amendment through, and it was thought that the present was not a fit time for the discussion, in consequence of the excitement which prevails throughout the country in regard to the ensuing election. The gentleman from New York has changed his mind respecting the propriety of amending the constitution.

Mr. KING, of New York, rose to explain, in reference to the change of opinion imputed to him by the gentleman from New Jersey. We understood him to say, that, although he had formerly been favorable to some amendment of the constitution, in regard to the election of President, yet his attention had been most powerfully attracted by a power which had since risen up, which appeared to him so terrific that he hardly dared to contemplate the effects it might produce—he meant the power which members of Congress had assumed, of nominating a President of the United States. It was placing the complete control of the Government in the hands of a party. He firmly believed that the power thus assumed

would, if permitted to be exercised, eventually overwhelm the constitution. It would produce a fearful combination of the large States. The small States, he thought, would not consent to go into caucus; if they did, it would be a suicidal act on their part. He called upon gentlemen to produce the smallest authority, in any part of the constitution, for these meetings. He considered them as violating the spirit of that instrument. The power of choosing the President is given to the Colleges of Electors—the election, in the first instance, is in their hands; and, to prevent the possibility of combination, they are chosen only about thirty days before their office is to be performed. The election is directed to be made in all the different States on the same day, and the Electors are permitted to make but one attempt at a choice. These provisions of the constitution were adopted for the express purpose of preventing combinations—an effect which, Mr. B. thought, was greatly to be dreaded from the practice of nomination by Congressional caucuses.

Mr. DICKERSON resumed. He intended no disrespect to the honorable member from New York, in imputing to him a change of opinion on this subject. In regard to the caucus which had been spoken of in this discussion, Mr. D. said, he conceived it was neither forbidden nor enjoined by the constitution. He considered it as a perfectly harmless expression of the opinion of those who attended it. Members of Congress had certainly as good a right, in their individual capacities, to recommend a candidate for the Presidency, as any other men. Similar meetings have been held in every State, every county, and almost every town in the country. The same privilege of recommending candidates is exercised by every printer in the country. Some of them have recommended three or four different candidates within the last six or eight months. No mischief can result from the caucus nomination—it imposes upon nobody; it binds nobody; it will go for what it is worth, and no more—it is the mere exercise of opinion, and that is a right which, whether it respected men or measures, Mr. D. said, he would never relinquish. It is a right guaranteed by the constitution and the laws of the country, and one which will be exercised.

Mr. HOLMES, of Maine, next rose. It is to me, said Mr. H., matter of regret and astonishment, that this debate should have taken such a turn. I had the honor to be, with the gentleman from New York, (Mr. KING,) on the committee to whom these amendments to the constitution were referred. I had, till then, some doubts whether, at this time, it was proper to act upon them. But I then had the countenance and support of that honorable gentleman. Full well I knew and appreciated his experience and wisdom. As he was one of those who framed that instrument, and knew the views and motives of his associates, I

MARCH, 1824.]

Amendment of the Constitution—Caucus System.

[SENATE.]

adopted him, in some measure, as my Mentor. The amendment which has been the subject of his animadversion, was agreed on in committee, with great unanimity; and by none with more cordiality and zeal than by that gentleman. But though he has seen fit to change his opinion, I have not. However I may respect him, I cannot consent to be led about in this way.

The first use of the word "caucus" here, in debate, I regret to say, was from that gentleman. He has been pleased to arraign before the Senate certain members of this, and the other House, because they saw fit to meet and recommend a candidate to the people, for President of the United States. And, by this act, he affects to believe that the constitution has been so violated that he would not amend it at all. Sir, pardon me when I say that this is an idle dream.

He seems to apprehend that the time will come when the President and Heads of Departments will participate in such a convention. Sir, there is no danger of that. When the members of the Executive Department shall combine to appoint a successor for the President, the people will put down the combination. No, sir; when these gentlemen attempt this, it will not be by a public meeting. Secret engines will be put in operation—private agents will be employed, and means will be used which shun the light.

A public meeting has been held to recommend to the people to unite, and keep the election in their own hands. At this, the honorable gentleman takes umbrage and alarm—he condemns this measure of union; and avows his wishes that the election may be made by the House of Representatives. He seems to think, that any meeting, or any exertions of individuals to prevent it, is to defeat the provisions of the constitution! This, from a representative of the largest State in the Union, is very frank, and very disinterested. Sir, it would be humiliating to give the proper answer to all this—a regard to the dignity of the Senate forbids the just retort. But we may be allowed to say, that, when the Representatives act with open doors, and expose their views and motives to the world, the people's rights are safe, the danger lies in secret combinations, in compacts to divide and distract—in private meetings to prevent public meetings.

It is here that bargains may be made, and management and intrigue be practised with success. I, sir, am proud in the reflection, that we have acted openly and above-board. We have united, as individuals, to recommend a candidate to the people. I hold myself accountable for this to no member of this Senate, however respectable. For this act, I am responsible only to my conscience, my country, and my God.

It is a source of consolation and confidence, that this course has been sanctioned by constant usage, and the approbation and support

of the most distinguished patriots and statesmen. And, in what instance have the rights of the people been infringed, their liberties impaired, or the constitution violated? Do you perceive it in the prosperity, happiness, and independence, which everywhere surround you?

Sir, the people of the United States are high-minded, independent, and intelligent Republicans. They understand their own rights, and, I trust, know how to preserve them. If they see cause, they will disregard, and disapprove, our recommendation. When, in my opinion, I need it, I will consent to be advised, and even catechized, by any Senator; and by none sooner than the honorable member from New York. But, of this, I must take the liberty of being my own judge. Upon my individual conduct, beyond these walls, I will not be compelled to submit to any tribunal other than those which I have named. I need not add, I am of age to act for myself.

Mr. LOWRIE, of Pennsylvania, said it was with a sensation of pain, that he observed the situation in which the Senate was, at this moment, placed. Instead of considering, with calm deliberation, the amendments to the constitution, submitted by the different members, and especially the one which had received the sanction of the committee of the body, the Senate is involved by the remarks of the gentleman from New York, (Mr. KING,) in the discussion of the propriety of a Congressional caucus. Sir, said Mr. L., the gentleman has expressed himself in strong terms against this measure; and, if he has not alarmed others, he has shown that he is himself alarmed at the results which are likely to follow. But, sir, I for one, will not be forced into a discussion of this measure, on the floor of the Senate. Notwithstanding the great respect I have for the gentleman from New York, so improper do I consider his remarks, that, on this point, I will not even answer him. But, although I choose to be silent, I beg the gentleman to be assured that it is not because I see any thing new or formidable in his remarks, or any thing difficult to answer.

What is the question, said Mr. L., which, at this time is, or ought to be, before the Senate? A motion for indefinite postponement of the various amendments offered to the Constitution of the United States. Five years ago, when I first took my seat here, the gentleman from New Jersey, instructed by the State which he represents, offered an amendment embracing the district system. It passed the Senate by the constitutional majority. It passed then, and it has passed since, without the aid of my vote. As a Representative from a large State, I never have consented to a system which went to strike out of existence the lines of the States. Such is the effect of the district system that, instead of States, you are to have districts. Sir, I will not consent to a system which would prevent the State of Pennsylvania from speaking, on this question, with her whole strength

[MARCH, 1944]

would be made much greater. Then, there were but two candidates; the first ballot would have resulted in a choice, if some States had not been divided. Now, there must be three candidates. The House of Representatives will be divided between the three; even the Representatives of the States may be divided between the three. The confusion might become inextricable.

Suppose New York were to give 12 votes to A, 11 to B, and 11 to C, would this insure the vote of New York for A? The friends of B and C would say not. Should a plurality or majority govern in such a case? Should the State say what was its vote? or should the House of Representatives prescribe the rule? The case is full of difficulty and danger.

This amendment, Mr. D. said, if it should be agreed to by the requisite number of both Houses of Congress, must be submitted to the several States; and, unless three-fourths of them were in favor of it, it could not be adopted. The large and the small States must all be consulted, and he well knew it would be very difficult to get any amendment adopted. It is said that it will take away the rights of the States. But, unless they agree to it, the proposition can never take effect. Mr. D. thought the present provision of the constitution, in respect to the election of President, was extremely weak. He was fully convinced that it was the unanimous opinion of the old States, that some alteration ought to take place; they have earnestly looked for it; they ask it at our hands. Both the small and the large States will consent to give up something for the sake of effecting that object. Neither of them would be willing to do it, unless an equivalent was obtained. Mr. D. feared that the present was not the time to act upon these amendments; he thought it would be necessary to test the constitution, as it now stands, a little longer. It would take a long time to get any amendment through, and it was thought that the present was not a fit time for the discussion, in consequence of the excitement which has prevailed throughout the country in regard to the coming election. The gentleman from New York has changed his mind respecting the expediency of amending the constitution.

Mr. KING, of New York, rose
reference to the change of
him by the gentleman
understood him
formerly been
the constitu
President
powerfull
slaves
\$150

would, if permitted to be exercised, eventually overwhelm the constitution. It would produce a fearful combination of the large States, small States, he thought, would not consent to go into caucus; if they did, it would be a suicidal act on their part. He called upon gentlemen to produce the smallest authority, in part of the constitution, for these needs. He considered them as violating the spirit of that instrument. The power of electing a President is given to the Colleges of Electors the election, in the first instance, is in their hands; and, to prevent the possibility of combination, they are chosen only about thirty days before their office is to be performed. The election is directed to be made in different States on the same day, and electors are permitted to make but one choice. These provisions of the constitution were adopted for the express purpose of preventing combinations—an effect, he thought, was greatly to be desired in the practice of nomination by Caucus.

Mr. DICKERSON resumed
disrespect to the honorable
York, in imputing to him
on this subject. In response
had been spoken of in
said, he conceived it was
enjoined by the committee
it as a perfectly
opinion of those
Congress had
individual
date for the
Similar
State, and
the
me
er

tion, I would not, perhaps, ask you to notice them. But, the subject is one of vast importance—the vital interests of the country, and its remote consequences. I find myself constrained to answer to the particular arguments which have been urged. I shall confine myself to a defensive warfare—and I shall not venture into the discussion of the points which may be necessary to reply to the objections which have been urged on this floor. I have been urged by the gentleman from New York (Mr. DICKERSON,) and the same arguments have been urged by all the gentlemen who have spoken on the subject, that a Congressional nomination of a President, is not only a violation of the objections which may be made to the election of a President by the people, but also because the Senators and Representatives are acting as a caucus, and only in their private capacities. This appears to me, said the gentleman, to be a fallacy so obvious, that he was surprised to conceive how any one could be deceived by it. Sir, if fifty or sixty private individuals should meet in this city and nominate a President, what effect would be produced by it? Would it be an event looked to with anxiety from every part of the country? Would it divide the nation into parties, or challenge the praise or the censure of every freeman in the land? No, sir; it is because the gentlemen who compose such a meeting are members of Congress—it is the authority with which they are clothed, that gives influence and effect to their proceedings. But for this no such meeting would be held. They meet in their character of members of Congress, or they would not meet at all. It is true, they do not meet to perform a Legislative duty, and the very objection to the proceeding is, that they step beyond the line of their peculiar and appropriate duties, and use the influence attached to their offices for the promotion of an object not within their Congressional powers, and with which the spirit of the constitution forbids them to interfere. To show, conclusively, that it is the influence attached to the office of a member of Congress which is the foundation of a Congressional caucus, and that it is expressly in their character of members of Congress, that gentlemen attend such a meeting, Mr. H. adverted to the fact that none other are invited or suffered to attend. If gentlemen acted only in their private capacities, every American citizen—certainly every inhabitant of this District, would be at liberty to unite with them. Look, too, at the forms of proceeding in such cases; the Hall of Legislation is appropriated to their use; the Speaker's chair is occupied by the Chairman; the officers of the House are stationed at the door to prevent the entrance of any members of Congress who are called up by States to give their suffrages. After this, tell us not that gentlemen act in their private capacities, and that, as members of Congress, they have no concern

entire and unbroken, unless the small States will give an equivalent. We have been told of the advantages of the district system; and that there are advantages in it I admit. But these advantages, heretofore, have been asked for by concessions from the large States only. The question has, this session, for the first time, assumed a new form. A proposition is submitted by which the large and the small States can meet on middle ground. I have been anxious to hear this proposition discussed by the Senate. My wish has been that the attention of our constituents should be drawn to it. Should a majority of the Senate be against it, there is still remaining the amendment submitted by the gentleman from South Carolina, (Mr. HAYNE.) With some modification, that amendment would be my second choice; both are of grave and solemn import—they require at your hands a full, a calm, and deliberate discussion. Why is the motion for indefinite postponement thrown in the way? Because, it is said, an election of President takes place next Fall, and there is great excitement in the country on that question. Sir, it is admitted by all, that no amendment we can now propose will affect the next election; and, this being the case, what connection can the present question have with the ensuing election, more than any other subject presented for our deliberation? There is, in reality, no sound reason why we should not proceed. Nothing but the influence of undue excitement could have induced the gentleman from New York to bring the propriety or constitutionality of a Congressional caucus into this debate. No excitement showed itself within these walls, until that gentleman indulged himself in the remarks we have just heard. The perplexed view which the gentleman has given of our political situation, is, in my judgment, no reason why the present question should be arrested. Mr. L. said he would vote against the postponement; but, if other gentlemen thought the next session would be more favorable for a decision of the question, he would acquiesce; but, at the next session, if no other gentleman brought the subject forward, he would then present it to the consideration of the Senate.

Mr. NOBLE, of Indiana, said this debate had certainly assumed a very strange and unexpected course; but, if the object in giving it this direction was to affect the public mind, in relation to the caucus which had been recently held, he trusted that object would be defeated. He had attended that caucus himself—and he certainly should not ask pardon of the gentleman from New York, (Mr. KING,) or of any other member in the Senate, for having done so, further than the rules of respect towards members, and the decorum usually observed in the Senate. The object of the caucus was to produce union; it did not infringe upon the free vote of any citizen of the United States, nor of the State to which he belonged. He adverted to the political operations of the Government pre-

vious, and at the day of Jefferson's nomination. It was by caucus that the power then in the hands of Federalists was dislodged, and, from his youthful days, he said amen! and so he said now. In New York, he said, if he had rightly been informed, some years ago, upon a certain occasion, in electing a Senator from that State to the United States, the election was delayed, and a union formed between the Federalists and Clintonians, in order to suit certain individuals, and to answer individual purposes. What was this but a caucus? No one ever believed that the people of the great State of New York was contaminated by the union of those parties. But, he asked, what had this to do with the propositions to amend the Constitution of the United States now under consideration? It was a departure from the subject; and a firebrand thrown into the House. This central power, to which the member from New York alludes, and his fears that the constitution would be destroyed, he presumed was intended to produce some effect in New York. He liked consistency in gentlemen who stepped forward to protect the rights of the people—the gentleman himself denied the other day that the people were the constitutional sovereigns in this Government—he contended that the States were the sovereigns, when it was known to all Republicans that the people were the source of all power, and constituted the division of all powers, whether applied to the State Governments or the Federal. Mr. N. said he would not suffer himself to be traduced by any member for having gone into caucus, without defending himself. What was done there was done openly—it was the mere expression of private sentiment—such a practice was in existence, he believed, in every State—in every county—and in every township in the United States, in relation to the election of all officers, either of the State or Federal Government, and never considered as violating the Constitution of the United States, except by those whose favorites could not prevail, nor yet as constituting "this central power." On this question, Mr. N. said that he did not expect to be called upon to defend the caucus, the doings of that meeting were public, they were gone out to the people. But pray let the gentleman from New York tell us what has been done on the other side—he meant the anti-caucus—and see whether their proceedings formed any part of this "central power," so dangerous to the liberties of the people. Let him say what part of the constitution gave this right. Mr. N. said he did not condemn the course, for it was but a caucus to know whether they would go into a caucus, this was but private sentiment, and the only difference between the caucus and anti-caucus is, the former was a private sentiment expressed with previous notice; and the latter private sentiment, without notice.

Mr. KING, of New York, said that, in the few remarks he had made to the Senate, he had intended no disrespect towards any member. He

MARCH, 1824.]

Amendment of the Constitution—Caucus System.

[SENATE.]

had thought that, in the present situation of the country, this was not the proper time for the consideration of amendments to the constitution. The subject had interwoven itself into the affairs of his own State, in regard to the Presidential election. He trusted he was not precluded from expressing his opinion on a subject of great importance and notoriety. In considering amendments to the constitution, he had thought it not improper to mention the exercise of a power which was not authorized by the constitution. That power was one, the operation of which, he believed, was much to be dreaded; and surely there was no impropriety in alluding to it. If things were doing in the country, which were thought improper, and which had a bearing on the subject under discussion, would the Senate not be influenced by them?

Mr. FINDLAY said that, as this was a most unpleasant discussion, more so than he had ever heard since he had the honor of a seat in the Senate, he would endeavor to terminate it. He moved an adjournment. The motion was carried, and the Senate adjourned until to-morrow.

FRIDAY, March 19.

Amendment of the Constitution—Caucus System.

The unfinished business of yesterday, being the consideration of the several resolutions proposing amendments to the constitution, in relation to the election of President and Vice President, was resumed. Mr. LANMAN was called to the chair. The question was, upon Mr. MILL's motion to postpone the subject indefinitely.

Mr. HAYNE, of South Carolina, said, that his only object in calling up these resolutions was to obtain some decision on them. The Senate had, for several months, had the subject before them, and it was due no less to the public than to the gentlemen who had submitted the propositions, that they should now be acted on definitively. Mr. HAYNE protested that he had not anticipated the course which the debate had taken, and he most sincerely regretted that certain topics had been introduced into the discussion, which were unfortunately but too well calculated to produce a painful excitement.

I come now, said Mr. H., to that unpleasant topic which has been unhappily introduced into the discussion. I mean a Congressional caucus. The honorable gentleman from New York, (Mr. KING,) in the course of his remarks in favor of an indefinite postponement of the resolutions, took occasion to mention, incidentally, a "central power," which had grown up at the Seat of Government, and which was destined, hereafter, to control the election of a President. The gentlemen on the other side have thought proper, in reply, to enter into a vindication of a Congressional caucus for the nomination of a President. If their arguments could be confined to this hall, and were not calculated to have an in-

fluence on public opinion, I would not, perhaps, find myself called upon to notice them. But, believing that the subject is one of vast importance, that it touches the vital interests of the country, and may, in its remote consequences, endanger liberty itself, I find myself constrained to attempt an answer to the particular arguments which have been urged. I shall confine myself strictly to a defensive warfare—and shall enter no further into the discussion of the subject than may be necessary to reply to the arguments which have been urged on this floor.

It is contended by the gentleman from New Jersey, (Mr. DICKERSON,) and the same argument has been urged by all the gentlemen who have spoken on the subject, that a Congressional caucus for the nomination of a President, is not liable to any of the objections which may be urged against the election of a President by Congress, because the Senators and Representatives, in attending a caucus, act only in their private capacities. This appears to me, said Mr. H., to be a fallacy so obvious, that he was at a loss to conceive how any one could be deceived by it. Sir, if fifty or sixty private individuals should meet in this city and nominate a President, what effect would be produced by it? Would it be an event looked to with anxiety from every part of the country? Would it divide the nation into parties, or challenge the praise or the censure of every freeman in the land? No, sir; it is because the gentlemen who compose such a meeting are members of Congress—it is the authority with which they are clothed, that gives influence and effect to their proceedings. But for this no such meeting would be held. They meet in their character of members of Congress, or they would not meet at all. It is true, they do not meet to perform a Legislative duty, and the very objection to the proceeding is, that they step beyond the line of their peculiar and appropriate duties, and used the influence attached to their offices for the promotion of an object not within their Congressional powers, and with which the spirit of the constitution forbids them to interfere. To show, conclusively, that it is the influence attached to the office of a member of Congress which is the foundation of a Congressional caucus, and that it is expressly in their character of members of Congress, that gentlemen attend such a meeting, Mr. H. adverted to the fact that none other are invited or suffered to attend. If gentlemen acted only in their private capacities, every American citizen—certainly every inhabitant of this District, would be at liberty to unite with them. Look, too, at the forms of proceeding in such cases; the Hall of Legislation is appropriated to their use; the Speaker's chair is occupied by the Chairman; the officers of the House are stationed at the door to prevent the entrance of any members of Congress who are called up by States to give their suffrages. After this, tell us not that gentlemen act in their private capacities, and that, as members of Congress, they have no concern

in the transaction! Sir, said Mr. H., I deny that a man can put off and put on, at pleasure, the official garb with which he is clothed. A man clothed with Executive authority cannot, as a private citizen, perform Legislative duties; neither can a member of Congress put off his character, and, as a private citizen, interfere with matters which the constitution has wisely prohibited him from meddling with. I have heard, sir, said Mr. H., of a priest who, walking to church in his robes of office, received an insult; he threw off his gown, exclaiming, Lie there, *divinity*, until I punish that rascal; and having in his private capacity inflicted the chastisement, he resumed the character of a clergyman, and proceeded to preach up "charity and forgiveness of injuries, love to God, and good will towards man." If there be, said Mr. H., any sound distinction, any safe rule by which the private and public acts of an individual can be ascertained, it must be this—that matters, altogether of a private nature, belong to the one, while matters of a public nature belong to the other. Bring a Congressional caucus to this test. The choice of a President is a public matter; it is a business provided for by the constitution; the manner in which it is to be done, is prescribed; the members of Congress are prohibited from being Electors, and the Senators can, in no possible event, have any thing to do with it. It cannot be possible, therefore, for members of Congress, as such, to meddle with it. Not being a private matter, if they act on it at all collectively, as a body, and by virtue of their office, it cannot be said that they act in their private capacities. I will proceed, said Mr. H., to give one or two illustrations of this subject, which I think will remove any doubts which may still rest upon it. Suppose the President and Heads of Departments were to meet together in their private capacities, were to nominate their successors, and were to proclaim such a nomination to the American people. The country would ring with denunciations of the act, the charges of usurpation, tyranny, and corruption, would rise up in every corner of the land, and they meet the just vengeance of an injured people! And yet, have not the President and Heads of Departments as much a right to act, and to speak, in their private capacities, as any other members of the Government? They are no more prohibited from nominating a President than are the members of Congress; and more danger is to be apprehended from the influence of the latter than the former. Suppose the Judges of the Supreme Court were to step from the bench, put off their robes, and, after public notice, were to proceed, in their private capacities, to nominate a President, and publish that nomination to the world! How would such a proceeding be relished? And yet, the Executive and Judiciary have certainly an equal right with the Legislature to proceed to such a nomination, in their private capacities. Again, suppose the Governors of the several States were to consult and vote on

the subject, and announce the result to the world in order to produce union among the people. What would we think of such a proceeding? But, I will put, said Mr. H., a still stronger case—one perfectly analogous to that under consideration. Suppose a jury appointed to try a case, civil or criminal. The law prescribes the place, the time, the mode and manner, in which the question is to be officially investigated, and decided. But these jurors think proper to meet together, previous to the trial, in their private capacities to investigate the merits of the case; they come to a decision and publish the result. Would it be any excuse for such a proceeding to allege, that they did not act as jurors, but in their private capacities? And with what color of reason could such an excuse be made, if it were shown that they were summoned to the meeting as *jurors eo nomine*, that none other were admitted, that they appointed a foreman, passed through all the forms of a trial, and in the name and character of jurors, proclaimed the result. Now, said Mr. H., there is a more striking analogy between that case and the proceeding now under consideration, than gentlemen will be disposed to admit. The House of Representatives may, in one event, be called upon to choose the President. The constitution has prescribed the time and place, and all the formalities of that proceeding; but before the occasion occurs, the members of that House meet together in their private capacities, and examine the claims of the candidates, and without the light which further time and a more deliberate examination might afford, to make a choice, and publish the result. It is true, that the proceeding, in both cases, is without legal authority, and is not binding, but it is calculated to produce a dangerous influence, and is, therefore, wholly indefensible. To illustrate the truth that legislators cannot, consistently with the spirit of the constitution, act in their private capacities on matters which may come before them officially, it may be asked, whether it would be justifiable for a majority of this Senate, as a party, to meet together habitually, in their private capacities, and determine, by a majority, what measures they should, as a body, support or oppose? By such an arrangement, all the guards by which pure and enlightened legislation is secured would be destroyed, and a small minority might sway the Senate. A Congressional caucus is open to the same objection. I confess, sir, said Mr. H., I have serious fears that, should the caucus system be firmly established in this country, it will eventually lead to the total destruction of the rights of the small States, and that the clause in the constitution, which secures their just weight in the choice of a President, will be virtually repealed. Once recognize the distinction between a man's public and private capacity, in relation to public matters, and what is to restrain a few of the large States from appointing delegates, or instructing their members of Congress to meet in caucus, and determine, by a majority of votes,

MARCH, 1824.]

Amendment of the Constitution—Caucus System.

[SENATE.]

how these States shall act, and whom they shall support? I shall add nothing further, said Mr. H., in answer to the honorable gentleman, on this point.

The next argument urged is, that a Congressional caucus is free from objection because it does not profess to elect, but only to nominate a President. Now, I would ask whether the design of this nomination is not to procure the election of some individual who would not be elected without it? If such be not the object, and if such were not the results hoped for, no nomination would be made; no caucus would be held. But if a nomination is to have the effect of promoting a man to the Presidency, who would not otherwise be promoted, it virtually amounts to an election; and is it any answer to this argument to say, that it is produced altogether by the authority and influence of members of Congress? Or, is not that the most objectionable means by which an election can be effected? But, sir, said Mr. H., let us bring this question to the test of principle, and see if the practice I am controverting will not directly deprive the people of the right of choosing among the several candidates for the Presidency? If a Congressional caucus be right in principle, as the gentlemen allege, it follows, that the friends of all the candidates ought to attend, and that the strength of each being ascertained, the strongest should be supported by all, and the others should be withdrawn. Thus the people will be deprived of the right of choosing, and must, of necessity, take the man recommended to them. Take the case of two candidates only, and such a case has occurred. A caucus decides between them, the other is bound to withdraw; he can, on principle, no longer be a candidate; his friends cannot support him; and though nine-tenths of the people should prefer him, he cannot, as a man of principle, even consent to serve. Take another case. Suppose there should be five candidates—the five most prominent and popular men in the country. Apply the caucus principle, and it results in presenting but one candidate to the people, and they must take him, or look out at the eleventh hour for a new man, which, under such circumstances, would be impossible. The principle of a Congressional caucus, therefore, leads inevitably, and of necessity, to the destruction of the right of the people to elect the President; and if it does not, in practice, produce that result, it is only because so many of us are such political heretics as to refuse to recognize it; and because the several candidates and their friends will not consent to abide by it. But, let the principles of the gentleman prevail, and the President, will, hereafter, be virtually elected by a caucus in Washington, and not by the people. Now, said Mr. H., there is not an objection which applies to the election of a President by the National Legislature, which does not apply much more strongly to a virtual election by a Congressional caucus. Does the former disturb legislation, tinging every legislative act

with party views and feelings, so, in a greater degree, does the latter. The letter and spirit of the constitution is opposed to every species of interference, by the members of Congress, in the election of a President, except in the particular case of a failure by the people to elect. Then, and not till then, are Congress permitted to interfere; and the mode in which they are then to proceed is minutely prescribed. The House of Representatives only are to have any concern in the transaction, and they must vote by States. They are not permitted to elect any candidate according to their own views, feelings, or opinions, but they are compelled to choose one of three candidates previously elected, and presented to them by the people. But a Congressional caucus is composed of Senators, as well as members of the House of Representatives, the former of whom are wisely excluded, by the constitution, from voting on such a subject, because the tenure of their office renders them peculiarly liable to influence. They proceed to nominate the President, before the people have proceeded to the election; they choose not from the candidates presented to them by the people, but according to their own pleasure, and are influenced by personal preferences; and, lastly, they make such a nomination, not in the extraordinary case (which may not occur once in the century) provided for in the constitution, but at every election—once in every four years. Now, when to all this we add that, from the very nature of things a caucus never will be composed of more than a portion of the members of Congress, so that the vote of an individual will be of such consequence as to justify the extraordinary efforts to obtain it; when it is recollected that a caucus nomination, every four years, will keep the matter constantly before Congress, can any man, who reflects on the subject, fail to see that the triumph and final establishment of the caucus system in Congress, must not only supersede and control the constitution, but involves the introduction, into the halls of Congress, of excitement, party feeling, management, and, finally, of intrigue and corruption; at the bare contemplation of which the heart of the patriot must sicken, and his anticipations of future glory be converted into the most gloomy forebodings.

Gentlemen tell us that a caucus is necessary to promote union. Should such a measure ever promote union, it can only be by controlling the will and stifling the voice of the people. But it seems to me, said Mr. H., that so far from promoting harmony and union, a caucus is calculated to sow the seeds of dissension, and to prevent the possibility of union. To all the difficulties of selecting among men, is superadded the hostility created by the agitation of the caucus question. The degree of support to be yielded, or of opposition to be offered, to such a nomination, will always be a fruitful source of endless contests and animosities.

As a party measure, a caucus may, in some

instances, tend to promote union. In such a case, two candidates at least would be presented to the people, for their choice. But, where all the candidates are of the same party, the only effect of a caucus must be to elevate a favorite individual, by putting all the other candidates out of the way, and thus to take the choice from the people, or from the States. If a caucus is to be resorted to at every Presidential election, and Congress is, by a preliminary vote, in joint ballot, to determine who is to be supported as President, it is manifest that the effect will be, to bring the election practically into Congress voting by polls and not by States; and thus the wise provisions of the constitution will be repealed, without the least regard to the forms prescribed by that instrument. Gentlemen will surely not venture to affirm that union will be promoted by such means.

Much more might be said on this subject, said Mr. H., but he had not only confined himself to the general question, but had merely attempted to reply to the arguments urged on the other side. Of the particular character of the late meeting in Washington, he had said nothing, and alluded to it now only to disclaim any intention to wound the feelings or impeach the motives of any of the gentlemen connected with it. He entertained for them, collectively, much respect, and cherished for several of them, individually, sentiments of great esteem.

[In the course of Mr. H.'s remarks, he was interrupted by Mr. KING, of Alabama, who rose to a point of order. Mr. K. stated that he was not in health to attend the Senate yesterday; and he did not know, precisely, the course which the discussion had then taken. But he considered the present topic as having no relation to the subject before the Senate; and, consequently, the introduction of it as being a violation of the rules of this body. He therefore called the gentleman from South Carolina to order.]

The Chair observed, that a wide range had been allowed in the discussion of this subject yesterday; and while it entertained the hope that that discussion would not be extended, was, at the same time, of opinion, that members had a right to be heard, in answer to any arguments which had been brought forward yesterday. The member from South Carolina was declared to be in order.]

Mr. TAYLOR, of Virginia, considered this debate as entirely out of order, and foreign to the subject before the Senate. The question has been discussed, as it were a contest for power, between the large and the small States—as if each was endeavoring to effect the purposes of its own ambition—as if these amendments were so many nefarious designs to satisfy the ambition and avarice of the one or the other. If it be true, that the question is not, whether one State is to pilfer from the other the great from the small, or the small from the great, still, he asked, what prospect there was of adopting any thing that is salutary under circumstances at-

tended with so much exasperation. Mr. T. said he had seconded the motion of the gentleman from Massachusetts for postponement—both of us have bantlings of our own upon the table; but we are willing to part with them to give time for mature consideration. Mr. T. said he would take these different propositions home with him and study them carefully. The true question is, whether we will have a confederated, or a consolidated Government. Some are in favor of one, and some of the other. The inquiry ought to be, how far these amendments will go to cure the evils of the constitution, or to introduce others into it. He meant only to show the propriety of postponing this subject, until it should be thoroughly considered. If the gentlemen will advert to the nature of our Government, they will see enough for observation. It is said to be a great machine; and we are told that the people are a safeguard against any disarrangement in it. When have they proved so? Were the people able to preserve their liberty, in the time of the French Convention? Other gentlemen will tell you, that the people are their own worst enemies. Perhaps neither of these are perfectly correct. One of the Gods of ancient times has told us,

"In medio tutissimus ibis."

There should be an intermediate controlling power. The great question to be considered is, whether any amendment of the constitution will obviate the objections alleged against it. We must not place too much reliance on the word "people." Mr. T. said, the idea occurred to him, that the Federal Government was an immense machine—that the State Governments were the safety-valves, to let off the gas of exclusive interests. While these safety-valves are kept in operation, and this gas is thus discharged, the country will go on well enough. But when they stop and the gas comes to be concentrated, there is great danger to the whole machine. Mr. T. said he would conclude by telling an anecdote which occurred to his recollection, and which all would probably remember. James the Second once called on two of his bishops, to know if, in their opinions, he had not a right to take the property of his people as he pleased. Bishop A, (he did not remember their names,) said he certainly had that right—the king was the vicegerent of God; and he had certainly a right to appropriate the property of his subjects as he saw fit—he might employ the men and the money, as he pleased. The king then asked Bishop B, what he thought of the doctrine of his brother Bishop? "Why," says B, "I think the king has a right to take the property of my brother A, because he has given it to him. But I think he has no right to take mine." The basis of liberty is upon this point. When you revert to the geographical distinctions of this country, do you think the people will display the servility of Bishop A? Why is the remark of Bishop B so much praised? Because the true doctrine is, that representation and taxation

MARCH, 1824.]

Amendment of the Constitution—Caucus System.

[SENATE.]

shall go hand in hand. The King could not take his money, because he did not represent him. This doctrine, Mr. T. applied to the amendments proposed to the constitution, to test their agreement with the spirit of our representative Government, &c.

Mr. BARBOUR, of Virginia, then rose. He had prepared, he said, to give a silent vote on this question; but, as the unpleasant topic of yesterday had been brought again before the Senate, he felt it his duty to say something upon it. Some circumstances and reflections had been introduced, to which he conceived a reply to be necessary. He intended to place the meeting which had been alluded to, on what he conceived to be defensible ground. His remarks would necessarily be desultory. But, as the question before the Senate, was upon the amendments to the constitution, it was due to the body which he had the honor to address, to make some remarks in reference thereto.

He came now to the topic to which he had first alluded. He must be permitted to mingle his regret with that of the other members, that such a subject had been introduced into this body; not that he had the slightest objection to a critical examination of it. Whatever had been done, in reference to that subject, was not secret, it was done in public; it was done before the people; and their decision will be made upon it. Whatever of malice there was in human nature had been uttered against the individuals who attended that meeting. He did not regret that the subject had found its way here, because he feared a fair investigation of it, but because, into this body, subjects of that kind ought not to be introduced. It could not have failed to bring forth the expression of feelings which ought not to be indulged here. When that meeting was represented as a great central power, which was about to overwhelm the constitution, surely those who heard it, and who attended that meeting, could not refrain from replying. If there was any spot on earth, which he considered as consecrated to peace and harmony, it was the Senate of the United States. It should be our political holy of holies—where the brand of discord was never to be thrown—where tranquillity and mature deliberation should acquire the respect of the people. He had considered this body the sheet-anchor of the nation—as presenting a limit to the waves of the other branch, and equally inaccessible to Executive influence—a body, whose character for propriety should never be jeopardized. He believed the nation had indulged a confidence that, whatever storms might rage elsewhere, nothing but coolness and deliberation would preside here. Is this question one that, in its discussion, is calculated to promote the dignity of this body? Is it one that is calculated to enter this Hall? Surely not. And what is the gentleman's apology for introducing the subject? The gentleman from New Jersey charged him with having changed

his opinion, in respect to the propriety of amending the constitution; that, last year, he was in favor of an amendment, and this year opposed to it. The gentleman from New York states as a reason for this change, that a central power, of an alarming character, had since sprang up to his view. The gentleman from South Carolina (Mr. HAYNE) has charged the gentleman from Maryland (Mr. SMITH) with having been first to mention the word "caucus." This, Mr. B. said, he thought was unjust. If the gentleman from New York (Mr. KING) did not make use of the word, nobody could mistake the meaning of his "great central power." The gentleman's description bore the name upon its front.

To an unadvised stranger, who had heard the gentleman from New York, it would seem that a monster of yesterday had sprung up, who was threatening to devastate the country—and yet, Mr. B. asked, was this any new measure? Was it not adopted in 1800, 1804, 1808, 1812, and 1816? Yet it did not then meet the gentleman's attention, or call forth such violent reprehension from him; but, in 1824, it suddenly swells to a great measure, threatening destruction to the constitution. Whence did the system originate? Mr. B. believed, with the Revolution itself. It was the venerated Samuel Adams, or his father, who first suggested it. It had its origin in the spirit that gave birth to this nation. Wherever freemen are, they will assemble and converse freely about men and measures. And a custom that has produced so much good, cannot itself be very bad. Mr. B. said he had a witness here at his left, (alluding probably to Mr. MACON,) who could tell how necessary such meetings had been found, in the early days of this Government—a gentleman who then stood, as he now stands, the guardian of his native land. Why did he not warn the people against a system which, according to the gentleman from New York, is now, like another unshorn Samson, about to embrace the pillars of the constitution, and whelm the splendid fabric in ruins? Surely this is the mere phantom of the gentleman's imagination. What is this constitution? We have a vast continent, over which it is to operate—a multiplicity of different States. What is the spirit of the constitution in regard to the election of President? That numbers shall prevail, in the first instance—and, in the contingency of a non-election by the Electors, that the House of Representatives shall choose. Now, is not the first of these provisions mere mockery, unless there can be some inter-communication of sentiment previous to the election? What is it we have done? Venal hirelings of the press, directed, in some instances, by the outcasts of Europe, and upon whose foreheads, if they had their deserts, ought to hang the label "to be let," have accused us, whose all is here, and who have been honored with the highest offices in the gift of the people—of conspiring against the

liberty of the country and seeking to overthrow the constitution. Where was the meeting held? In the chamber of the House of Representatives—in public—in the very face of the people—those people whose rights it is said we met to betray—and the result is well known. Was there any intention to recommend a man who was abhorrent to the people? If the people are united in favor of another man, the recommendation would not weigh a feather. If they were not united, the meeting might have a tendency to produce that effect. Men are apt to attach too much importance to themselves and their acts, when “dressed in a little brief authority;” they are found, however, to be but the merest insects, when acting in opposition to the views of the people. Nothing important can result from such a meeting, unless the candidate selected is a popular man. The simple reason for holding such a meeting is, that the persons who go into it are the representatives of the people—that they best know the sentiments of the people—they, therefore, meet to recommend candidates. If this be not the correct way, what other will you substitute? By private recommendation, and, as a consequence, irresponsible, or to the conflicting presses? Mr. B. said he was the last man who would lift his voice to curtail the liberty of the press. No, even in the rank luxuriance of its licentiousness, let it be uncurbed. When honestly directed, it is the great source of light and liberty. Its abuse must be tolerated, on that universal law which belongs to human things, that there is no unmixed blessing; but it must not be disguised, that, when prostituted, it scatters any thing but correct information.

We are told, that the President and the Heads of Departments may, with equal propriety, meet, and make a nomination. But they do not come immediately from the people; and they are not going back to the people, as the members of Congress must. They are not so immediately identified with all parts of the community. What we have done, is on record—every man is responsible for his own act. The old adage is, that, by its fruit the tree shall be known. What has been the result of this practice for the last twenty years? Where has been the mischief? Has your constitution been violated? Is not our happy situation an object of congratulation? Is not every nation which is striving to break the fetters of slavery, looking to us as the landmarks by which they are to be guided? These are the fruits of this system, which has been followed, in relation to the Presidential election, from 1800, up to the present day; which has been sustained by the people; and which has some of the greatest names in the country to support it.

The honorable gentleman from South Carolina says, that the grounds of holding this meeting were, to produce union—but, from the signs of the times, he gathers the belief that it will, on the contrary, produce nothing but dis-

cord. Mr. B. said, as he was not a prophet, nor the son of a prophet, he could not tell what the effect of the meeting would be. The wisdom of the people, perhaps, might substitute something else—the people care little about names. We have adopted a plan, by which we proposed to surrender our private feelings, whatever they might be, upon the altar of the public good. I ask gentlemen to propose a substitute for the caucus. Here are five candidates, all good men; there is no union among the people—they are divided into five parties. What is to be the result? The other day we were a band of brothers. What is now the case? In consequence of a difference of opinion, slander is poured out from the press; a thousand pens are employed in the work of defamation; every infirmity is displayed; calumny is spread, upon every side—and it is melancholy, indeed, to reflect, that too many are ready to believe the fabrications. This is now but a little spark, but it may spread out till it consumes every thing that is good and valuable. How is the monster to be stifled? Only by making useful sacrifices. A meeting, for that purpose, was called—all were invited to attend—the object was to arrive at some union; to close these flood-gates of iniquity. We regretted that our brethren did not all come in with us. Mr. B. said he arraigned no man's motives—each one must go his own ways. Other counsels might prevail—he dreaded to hear what might be the result of the malignity which this controversy had excited. He was prepared to unite with the majority. This, that, or the other name, was insignificant to him, compared with the good of the Union. It is said, that it is a fallacy to pretend that we went to that meeting in our private characters. We are told that the President, the Heads of Departments, or any of the people, might go there, with equal propriety; and we have been told a humorous anecdote on this point, concerning a priest. To this, Mr. B. answered, that the members of Congress went there, to say to the American people, that they believed this, or that, candidate would be most acceptable to the people. A fact only was to be made known. Each man represents the feelings of his own section of the country. James Barbour represents that his constituents are of one opinion; the gentleman from South Carolina, that his are of another. The members attending the meeting are from different sections of the Union—they are the organs of communication. Their meeting is merely for the general concentration of opinion. The gentleman from South Carolina animadverts on the character assumed by the members in the meeting—that of their individual capacity—and asks, why are not other citizens admitted? The answer to this remark is obvious. Other citizens are not in the situation of members of Congress, because they are not presumed, as are the members of Congress, who come from every part of the Union, to know, accurately, the

MARCH, 1824.]

Amendment of the Constitution—Caucus System.

[SENATE.]

wishes of the great body of the people. It is not the official station that gives weight to an expression of the opinion of members of Congress; but it is the confidence they enjoy among their fellow-citizens that made them members of Congress. This confidence is a part of their character, and is made available in their private capacity.

The honorable gentleman from South Carolina says he never attended a caucus. This is certainly a little extraordinary for a member of this body. There may be some few individuals here who have not attended such meetings; but when he recollected how common they had been, for the last forty or fifty years, he apprehended there were few who had not taken part in them. When he was very young, Mr. B. said he recollected to have gone, with his honorable colleague, to the first meeting of this kind which he ever attended. Under authority so respectable, and in such a school, he had first become acquainted with the system; and he had, ever since, continued believing that its results must be beneficial. When he knew that this system was approved by older men; that it had been used effectually in the days of Jefferson, he could hardly believe that the younger members knew all the benefits that had been derived from it. It is too old in this country—opposition to it will not do. Some may be opposed to it, from their private views; others may not think it expedient at this time. There are regular cycles in political events; and, Mr. B. said, he did not doubt but these meetings, by and by, would become popular enough; for, as they have been so heretofore, it will be seen that they are still necessary.

In regard to the anti-caucus, which had been spoken of, he did not wish to become the accuser of any man. He should, therefore, say nothing of it. This whole subject had gone out to the people. It ought not to have been touched here. There has been a fair and open appeal to the people, and the Senate should not have been troubled with it. There we are willing to meet it; not before a few changelings in the country, but before the great mass of the people, who are independent, and who stand clear of prejudices on this subject. If, when these acts are fairly laid open, such a tribunal condemns us, be it so. Mr. B. said, when he embarked on the sea of political life, he well knew that there were shoals in it. Some get their vessels over them safely; while others strike upon them, and sink forever. But he made the declaration in the face of all who heard him, that he had the approbation of what he had done, in his own conscience—that was placed beyond all human control; and, when the plaudits of this world should cease, that approbation would be imperishable; it would enable him to tread the shadowy vale of death, without fear or trembling. Standing on this sure foundation, unseduced by ambition, whose giddy heights he had never essayed, as far as

it concerned his personal views, he was above, and he rejoiced in his attitude, every change in political opinion; and if the Government be honestly administered, he cared not by what hands, or to whom were distributed the loaves and fishes.

Mr. SMITH, of Maryland, said he should vote against an indefinite postponement. The State of Maryland, said he, has instructed its Senators to use their best endeavors to obtain such an amendment to the constitution as will insure a uniform mode of election throughout the United States, of President and Vice President. The district mode is preferred by that State, which meets my concurrence, and I shall vote for any of the resolutions that will be most likely to succeed, and will assure that mode. Having entered yesterday into my reasons on the subject, I will not again trespass on the time of the Senate, by repetition. Indeed, Mr. President, I had no intention of speaking on the subject again, nor should I, but for an observation made by the honorable gentleman from South Carolina, (Mr. HAYNE.) He has said, "that I was the first who introduced the word 'caucus' into the discussion." Why this observation? For what purpose? Was it any way necessary or useful to his argument?

Mr. HAYNE explained. He certainly meant nothing unkind towards the gentleman. Regret had been expressed that this word had been used; and he had merely observed, that he believed that it had first been used by the gentleman from Maryland.

Mr. SMITH resumed. Mr. President, I feel perfectly confident that the gentleman entertains no unfriendly feelings towards me personally; but, as the remark had been made, I am unwilling that the discussion of a subject so unprofitable, that I feel mortified at its being introduced, and so little comporting with the dignity of the Senate, should be attributed to me. I regret that the honorable gentleman from New York (Mr. KING) should have deemed it proper to introduce it. It is true that he qualified it by a new name—"central power." However, either my ears deceived me, or I heard him use the word "caucus," and one member opposite took it down; but, whether he did or not, his meaning was perfectly understood; and, if I used it, it was because I wished to give it the known name—I wished to call a spade a spade.

When first introduced, I considered it as accidental, and treated it lightly, as I thought it merited. But, sir, the second speech of the introducer, and the elaborate view taken by the honorable gentleman from South Carolina, have given to it form and substance. Effect seems now to be contemplated, and we must meet it as we best can.

I am not surprised at the course taken by the honorable gentleman from South Carolina. He was too young to know the extreme difficulties the Republican party had to encounter, and the dangers it has been exposed to by attempts

calculated to create schisms that might have, by dividing, exposed it to great danger; which, in my humble opinion, have been mainly obviated and avoided by the caucus system. Nor am I at all surprised at the opposition to it by the honorable gentleman from New York, (Mr. KING.) That gentleman was a leading chief of the Federal party, and he, no doubt, thinks, what I know and believe, that, owing to the caucus system, his party was prostrated, and the Republican party brought into power; by which change, I firmly believe, and every Republican does believe, that the nation has greatly benefited. I adhere to that which has rendered such essential service to my country, and the party to which I belong. The bridge which has carried me safe over, I call a good bridge. The caucus system has heretofore been approved. I attended several, was president at one—and consistency of conduct called imperiously on me to attend that lately held, and which has met with the disapprobation of the two gentlemen. It appears, also, to have met with the displeasure of several gentlemen with whom I have served in caucus more than once. Well, sir, they have their reasons, such as are satisfactory to themselves, with which I have nothing to do. That of being conscientiously against it, they cannot offer. There are certainly some who think the system wrong on principle. The gentleman from South Carolina has said so; but their numbers, among politicians, are few. I have not met with many. May we not, without offence, believe that men are much governed by the consideration of whether the caucus will or will not support their favorite candidate? And must we not believe that those who have heretofore attended caucuses, will find it difficult to assign any other reason for absenting themselves from that which they now censure? Indeed, Mr. President, I must think that it had a powerful influence, although, perhaps, unknown to themselves. I mean no reflection on any one; but form my opinion from man as he is constituted.

I will now, Mr. President, take a view of the caucus system, as it has operated; and, I trust, I shall be able to show that it has enabled the Republican party to mount into power, and has tended, mainly, to maintain them in it. Upon this theme I act as a party man, and have no hesitation in saying, that I wish to keep my party in power; that I believe the caucus system is the most effectual means; and that, when we cease to use it, we shall thereby deprive ourselves of one most powerful instrument. Divide and conquer, is as old as history—keep together, you cannot be subdued.

Mr. President: On the first contested election, between Mr. Adams and Mr. Jefferson, Mr. Adams succeeded by, I believe, a small majority. It was believed that his success was owing to want of a conjoined effort, a concentration of force, on the part of the friends of Mr. Jefferson. A caucus was, in consequence, held in Philadelphia, the object of which was,

to make a conjoined effort to concentrate all the strength of the party, and to bind each to the other, that they would use their best exertions to promote the election of Mr. Jefferson. I did not attend, but, I believe, every other member of either House, friendly to Mr. Jefferson, did attend. Who were they? Men certainly as capable of expounding the constitution as any gentleman now in my hearing; one of them the writer, in part, of the *Federalist*, (to which we daily refer,) in fact, all of them leaders in the Republican ranks, and to whom we are indebted for the change by which the Republican party came into power; those great men are now charged, by the gentleman from New York, with being promoters of a system which, in its consequences, is to destroy the constitution, and to introduce all the plagues of Egypt. Well, sir, I am not surprised at this charge, for the honorable gentleman was one of those who lost the power. Losers will complain, and we ought not to be surprised that the gentleman is very willing to put down a system by which his party has lost their power; it is natural, and it is as natural for me to wish to continue a system, by which I (as one of the gainers) have succeeded. I have said that I did not attend the first caucus; but, sir, I assured those who did, that I would act with them, and I did, as the people of Maryland know. I used exertions, that I think I should not, if the caucus had not been held. Its decision induced me, and others, in Maryland, to unexampled exertion; much depended on its vote. At that time the State was decidedly in favor of Mr. Adams. It was changed by the exertions made by the Republicans, which, I speak with confidence, would not have been made, if no caucus had been held.

A caucus was held at the second election of Mr. Jefferson, at which almost every Republican member did attend. It was not then thought a crime; on the contrary, it was deemed meritorious. If I had not attended it, I am sure my constituents, at that time, would have been displeased; no one then talked of a caucus being an assumption of power; I mean no Republican. I believe the Federalists did, but it was attributed to the injury the system did to them as a party; we did not think them in earnest; we considered their opposition as arising simply from opposition.

The next caucus selected Mr. Madison, and I never heard that he thought their act other than constitutional; he had attended the first caucus in Philadelphia, and was a principal leader in it. He accepted the nomination. We all know that he was opposed by Mr. Monroe. A schism was threatened (by that opposition) in the Republican party; it was supported by the Federal party, and never was the Republican party in greater danger. What prevented that great evil? The caucus nomination. No other course could have succeeded. The people rallied round that nomination, and a schism was thereby prevented.

MARCH, 1824.]

Amendment of the Constitution—Caucus System.

• [SENATE.]

Mr. President: Some (now present) know that a schism in the Republican party had nearly taken place, on the election of the present Chief Magistrate. The opposition to him was strong in numbers and character, and there was every reason to believe that the Republican party would be severed. How was it avoided? The Republicans met as brethren of the same family, agreed on Mr. Monroe, and all supported him. He and the Vice President were informed, by letters, signed by me and the secretary of the caucus, of their nomination, to which they replied, by letters, which have been published. Neither showed any reluctance at the mode of nomination; neither objected to a caucus power of nomination; they both seemed well satisfied, and appeared to accept with pleasure. The present President expressed himself, with strong approbation, of the source of nomination. His words are—"Deeply penetrated by this distinguished mark of confidence, emanating from such a source." What source? The caucus.

I have shown that the caucus system has been considered, by our three Republican Presidents, as not only constitutional, but expedient. They have never said that it was dangerous to the liberties of the country. It has existed for twenty-four years, and the liberties of the people appear just as safe, and rather safer, than some of us thought they were prior to its being adopted.

Now, sir, suppose that all the Republicans had met (agreeably to open invitation) like brethren of the same family, as they did on all former occasions, and had agreed (as they might have done) on a candidate, what would have been the consequence? It might have continued the union of the party. And of what mighty consequence is it, which of the candidates shall be successful? Either of them will do tolerably well. Congress will take care that neither shall do much harm. I have my preference, I admit; but, had another been selected, I would have supported him; for my object is union in the Republican party. Gentlemen (many of them my friends) with whom I have acted through the worst of times, declined to attend; their motives are their own. But what is the effect? A complete disunion of the Republican party, divided into at least four parties; the whole in a state of distraction. Father against son, brother against brother; all in a state of complete confusion; and what for? For a principle? No, sir, there is no principle involved. What, then, is all this noise about? Why, whether you shall choose A, B, C, or D; and, choose which you will of the candidates, the nation will (if the people choose such Congresses as the three last) move on majestically towards its great destiny. When I look around, I am surprised at the excitement artificially created. Now, Mr. President, the difference between those who attended the caucus, and those who did not, I take to be this: that those who went, were anxious to unite on some one Republican candidate, and support him, be he

whom he might, and thus preserve the union of the party; and those who did not attend, were willing to risk all, rather than run the risk of their candidate being in the minority. From this last, I except, of course, the gentleman from South Carolina, and the conscientious.

Mr. President: In a Government like ours, where many of our great officers are elected, there must be some mode adopted by which to concentrate the votes of the people. They cannot (scattered as they are) know the candidates—it is morally impossible: the voters must therefore depend on some person, some public bodies, or on private meetings for information, as to the best character for the office. For instance, "for President." Well, sir, it has been thought, for twenty-four years last past, that the members of Congress, elected by the people, and in whom they had deposited all confidence, was the best source for information. Has that source deceived the people in any one instance? I understand that the Congressional caucus recommended Jefferson, Madison, and Monroe. The people elected them; and experience has shown that the reliance placed by the people in the caucus nomination of all three has turned out perfectly satisfactory, and no injury has resulted therefrom. It is rational to suppose, that the members of Congress have better opportunities of knowing the character and talents of the several candidates, than those who have never seen them, and never acted with them. However, the caucus mode is denounced, and now let us see what is to be substituted, for there will be a substitute. It is in the nature of our Government. It cannot be avoided. Well, sir, one State, by an act of its Legislature, nominates its favorite, that is, the favorite of a majority of the body; another Legislature, in their private capacity, nominate their candidate, and forbid their members of Congress, chosen, as they are, by the people, from recommending a candidate. Now, sir, I would ask, how many of that Legislature knew any of the other candidates except the one recommended by them? perhaps three or four, who may have been in Congress. Other States have pursued a similar course, with as little knowledge of the candidates. Each State has its favorite candidate; of him they may know something. But how they can be capable of forming a judgment between him and those who are opposed to him, I know not. Many State Legislatures have undertaken to recommend, whilst they reprobate the caucus nomination. Another mode has been adopted: by convention. I should like to know how the delegates to the convention are chosen: are they by the people? I believe not. A few people meet; their numbers may be ten, fifty, or any other number, and they appoint the delegates; and, thus chosen, they meet in convention, and select their candidates. Now, Mr. President, whether either of those modes is preferable to a caucus, or whether any of them

are equal to it, is to be determined. For my part, I thought the old mode was the best, and I have adopted it. I have exercised my own opinion. I have given myself no uneasiness about that of others. And I must think, an interference with the opinion of those who attended the caucus, was wholly irrelevant to the subject matter before the Senate.

Mr. EATON, of Tennessee, said, he considered this subject of discussion as altogether improper, and thought it ought not to be permitted to remain any longer before the Senate. The Senate has now spent two days in debating the question, whether it is proper for members of Congress to go into caucuses. He sincerely believed that such a subject was unbefitting the dignity of the body, and that it would place the members in no very elevated view before the public. His object was to put an end to the discussion. He suggested to the consideration of the Senate, whether it was not better to let it end here. He moved that the resolution be ordered to lie on the table.

The question on Mr. E.'s motion was put, and passed in the negative. The question then recurred on indefinite postponement.

Mr. MAOON, of North Carolina, next addressed the Chair. He said that these resolutions had been referred to a select committee; they had been maturely considered and reported upon by that committee; and now, because a certain other subject, not connected with them, had been introduced, no vote was to be taken upon them. What is the question before the Senate? It is upon the indefinite postponement of the resolutions; and not upon their subject-matter. Why should not a fair vote be taken on them? Gentlemen who are not entirely decided on business before the Senate generally vote for a postponement. He thought no proposition to amend the constitution, that had ever been before the Senate, had so much in favor of it, as the one that had been reported by this committee. It had, first or last, been recommended by almost every one of the States. And now, after all the time that has been spent about it, after one of the propositions had been discussed at full length, they are all to be thrown by. He well knew that men would do, in relation to these things, as they thought right. He considered it an extremely unfortunate circumstance, that a subject which had nothing to do with the real question before the Senate had been introduced, and was about to destroy all chance of considering the amendments to the constitution.

Mr. M. said he knew that no amendment could now be made to affect the next election. There must be a concession of opinion somewhere—everybody feels the embarrassments we are laboring under; and yet we are not permitted to go on and discuss the amendments by which these evils might be remedied. This amendment, he thought, would insure an election, without going to the House of Representatives; and he hoped it would not be postponed.

It is time enough to postpone them, when we find that we cannot make one that is fit to be adopted. We shall, then, have done our duty to our constituents as faithful men. But now we are about to postpone them at the very threshold. If there ever was a time when the subject could be met gravely, it is the present. What was the condition of the country at the time of the difficulty in the election of Jefferson and Burr? Great anxiety was spread from one end of the country to the other. The House of Representatives was voting thirty times without coming to a decision—the most serious alarm pervaded the country. And yet, with this knowledge before us, we are not willing to make provision against similar occurrences. There was a charge of foreign partiality on each side of the great parties existing at that time. One was accused of fondness for the British; the other, for the French. There is no disposition of that kind now. We have peace, and we have plenty to eat; and, thank Heaven, the tariff bill has not yet passed. Some think that the amendment will produce a consolidation of the Government, and that the State lines will be lost. But almost all the States have agreed to it—almost all of them have called for the districting system. Mr. M. said he did not believe that it would destroy the constitution. He had heard so much, and so often, of the destruction of the constitution, that he had almost become an infidel in respect to it. We have stood a sedition law, and an alien law, and there is not much danger but we may get along with any thing else. We have had these amendments regularly brought before us; and now, all at once, because allusions have been made to another subject, we cannot look at the amendments—we have got into a passion, and we must give them up. Nearly all the States have approved the districting system—and how is it to destroy the constitution? The liberty of this nation does not, nor does that of any other, depend upon paper. It must have a foundation in the hearts of the people. Let a man depend upon himself, and he is free. If he is dependent on another, black or white, he will not be free. Freedom rests upon our dependence or independence. The people had, at first, a great dread of the President and Senate; but that fear has passed away.

We have now more candidates for the Presidency than we have ever had before. How are my people, said Mr. M., to know these men? Why, when I go home, they will ask me whom I think to be the best man; or, rather, who will tax them the least? which is the same thing. And, I presume, the same questions are put to other members. I am glad my colleague called for the yeas and nays on this question, for I hope the subject will not be postponed. In regard to caucuses, I have no confessions to make. I have gone into caucuses as honestly as I go to church. I do not care how many caucuses, or how few, there are. I care nothing about them. Once, however, I

MARCH, 1824.]

Amendments to the Constitution—Caucus System.

[SENATE.]

was, about twenty years past, taken in by a caucus, and said I would not attend another. I had intended to have given a history of some, on different sides, but it is decided not to be in order.

How the choice of Electors, by districts, could possibly prevent an election of President, as has been said by the gentleman from South Carolina, I cannot possibly perceive. The number of votes given by the districts would be equal to that now given. I do not understand how it can prevent an election. Every generation has its own notions in politics as well as in religion. Religious and political ideas are constantly changing. The Book of Judges gives a description of these changes, where it speaks of the departure of the people, after the death of Joshua. So we forgot the principles which produced the Revolution. My State, happily, is neither a large nor a small one. It enjoys about an equal population, and does not increase much. What benefit can the present provision of the constitution be if we can get no President by it? I hope the Senate will return to the consideration of the proposed amendments.

On motion of Mr. VAN BUREN, the Senate then adjourned.

MONDAY, March 22.

Amendments to the Constitution—Caucus System.

The unfinished business of Friday last, being the consideration of the resolutions proposing amendments to the constitution, in relation to the election of President and Vice President, was again taken up. The question was upon Mr. MILL'S motion to postpone the whole subject indefinitely.

[The Chair, previous to the commencement of the discussion, intimated its intention to restrict the debate to the immediate question upon the indefinite postponement of the resolutions.]

Mr. DICKERSON, of New Jersey, said that he was disposed to yield a cheerful obedience to the decision of the Chair, although he had not had the opportunity of replying to some pointed observations of the gentleman from South Carolina, (Mr. HAYNE,) which might be easily answered. He regretted that the subject had been introduced, as it was calculated to create much unnecessary excitement. The discussion of it, however, had given him no uneasiness, either as it respected himself, or his friends; and he was perfectly content to let it rest where it was.

I shall, said Mr. D., confine myself to the motion which admits a discussion of the merits of the resolutions to be postponed. And it is with reluctance I again speak upon this question; for I fear that it will be found impossible in the mode now proposed to introduce any amendment to the Constitution of the United States, which shall have the least bearing upon the relative power of the great and small States. Mutual jealousies are easily excited. The interests of the great and small States are easily

set in array against each other. Any attempt to promote a plan of mutual concession, a plan upon which the constitution itself was formed, may be represented as an invasion of the rights of one class of States, and an abandonment of those of the other. At this time, such a constitution as we now have, could not be formed. It was adopted at a fortunate period. Fortunately for the large States, still more so for the small. For these reasons, I begin to despair of seeing any of the proposed amendments succeed, unless upon a call of a convention of the States, under the fifth article of the constitution; and, therefore, I was disposed to let the subject rest, at least for the present session.

The gentleman from Missouri (Mr. BENTON) has shown, in the strongest colors, the dangers of our present system, and the absolute necessity of districting the States for the purpose of choosing a President, so as to leave me but little to add upon that subject. A bare majority in the Legislatures of six of the large States, having 188 Electors, can completely control the rest of the Union, upon the election of a President, under the present system: that is, a little more than one-fourth of the people of the United States can impose a President upon the residue, amounting to nearly three-fourths. This is an enormous power, growing out of the operation of the constitution, but which was not foreseen by those who formed that instrument. By this, the small States, containing a large majority of the people of the United States, may be rendered utterly insignificant in the choice of a President. By this, the voice of eighteen, of the twenty-four States, may be completely suppressed. But the gentleman from Virginia (Mr. TAYLOR) says this is one of the great federal features of the constitution, which ought to be held sacred. Whether it be federal, or whether it be national, it is equally dangerous to the liberties of the people. This enormous power must be dreaded by all but those who wield it. It must be dreaded by all but the influential men in the great States, who may control those States, and through them, the Union.

The small States ask the large to divest themselves of this enormous power, by adopting a system of single districts, for the choice of Electors. The great States refuse to yield up any portion of this power, unless the small States consent to make a corresponding concession on their part.

What is the power of the small States, when the election of a President devolves upon the House of Representatives? Thirty-one Representatives, from the thirteen small States, can, by possibility, elect the President, against the 182 Representatives: that is, about one-seventh of the Representatives may control the other six-sevenths upon the election of a President. And this is the other great federal feature of the constitution to which some gentlemen of late appear to be much attached. Under one of these great federal features of the constitution, the power of the small States may be completely

merged in the election by Electors. Under the other, the power of the great States may be as completely merged in the election of a President, in the House of Representatives. Can any thing be more incongruous, more preposterous, more monstrous? The venerable gentleman from Virginia, who fears the national, but is charmed with the great federal features of our constitution, compares the operations of our Government to those of the steam engine; and he informs us of a variety of safety valves, by which the steam may pass off, without danger to the machine. I do not perceive the efficacy of those safety valves, in the dangerous operation of choosing a President of the United States. If we continue those two great federal features of our constitution, without modification, the engine will not bear the force to be applied; the steam will become irresistible; we shall increase the pressure, till we burst the boiler.

The small States, in the House of Representatives, can choose a President against the voice of the large, and an attempt to alter the relative power of the States, in this particular, even with their own consent, for it cannot be otherwise, is considered as a deadly blow at the power of the small States—a power necessary to their existence. Is it necessary to the existence of the small States, that they should possess a power, under any circumstances, to impose a President upon the United States, against the voice of six-sevenths, or even against the voice of a majority of the people? Is it necessary to their existence that they should have more weight in such an election than their federal numbers would give them? The exercise of this extraordinary power of choosing a President, in the House of Representatives, has occurred but once in six and thirty years, and even that afforded no peculiar advantages to the small States. On the contrary, it put in jeopardy their very existence. A combination among six of the large States can completely control the residue of the States upon the election of President by the Electors, and this power may be called into operation every four years, and may be continued without interruption, as long as those States can agree as to their dividends, while the small States can only come in for a casual exercise of their extraordinary power, when the great States disagree among themselves, and which has happened but once since the establishment of our Government. This power, however, which may be casually exercised by the small States, must and will lead to combinations among the large States, to prevent a resort to the House of Representatives; a regard to their own interests imposes upon them the necessity of such combinations; an anomalous case of a necessity on the part of the strong to combine against the weak.

Of what advantage is this power to the small States, which has been exercised but once since the establishment of our Government, and was

then considered as a great calamity? There can be none. What advantage can there be in retaining a power which it will be dangerous to exercise? None. Ambitious individuals in the small States may casually derive an importance from their situation, in the exercise of this power, but this can be of no importance to the people of the State to which such individuals may belong.

There is a power, however, vested in the small States, beyond their numerical strength, upon which their existence depends—their equal vote in the Senate of the United States. But this is a power, not to give the small States an undue influence in the choice of a President, not to enable them to impose laws upon the large States, but a preventive power—a power to arrest the progress of laws which might infringe their rights or interests. It is a species of veto, by which the Senators of twelve States, however small the population of those States, can effectually prevent the passing of any law which they may think against their interests. Without this power, the small States must immediately fall a prey to the large. Whether this principle of veto should have been carried further by the constitution, it is unnecessary now to inquire. Fortunately, there is one point on which this principle of veto rests in a single State—it is for the preservation of that sacred part of our constitution—the equal vote of the States in the Senate; the only part which is put beyond the reach of alteration. By the 5th article of the constitution, no State, without its consent, shall be deprived of its equal suffrage in the Senate; and, as no amendment to the constitution can take place, which will not apply equally to all the States, it is evident that the small States never can lose this right, unless they unanimously consent to it. All the fears, therefore, of the gentleman from Missouri, that the small States, by giving up a portion of power in choosing a President, shall endanger their equal vote in the Senate, are without foundation. While a single principle of the constitution is left, this right will remain inviolate.

The gentleman from South Carolina seems to think the proposition now offered a perfectly novel one. True, it has never before been presented as an amendment to the constitution; but it is as old as the constitution itself. On the 17th July, 1787, it was agreed unanimously, in the Federal Convention, that the President should be elected by the National Legislature; and for a long time this was thought the safer mode, even in the first instance of choosing a President, by this enlightened and patriotic assembly of statesmen, some of whom, at least, entertain no hostility to the power of the small States. It was not then discovered that such an election would endanger the existence of the Union.

The gentleman from South Carolina thinks there would be great danger from the influence of the departments of the Government, and of the Executive, upon the two Houses of Con-

MARCH, 1824.]

Amendments to the Constitution—Caucus System.

[SENATE.]

gress, in their choice of a President. But, would not this influence operate as strongly, nay, much more so, upon the House of Representatives, voting as States upon that question, under the present system? The gaining one member of the joint meeting would be no more than gaining one vote out of the two hundred and sixty-one, while the gaining one member in the House of Representatives might be gaining a twenty-fourth part of the whole. When a State has but one Representative, this would be obviously the case, as it would be, when the Representatives of a State should be so divided as that the change of one would give the vote of the State to one candidate or to the other—so that, by possibility, the gaining of thirteen votes might change the fate of a Presidential election; take it from one candidate, and give it to another. In the latter case, the danger would be truly formidable; in the former, it would be no greater than resorting a second time to the Electors.

Mr. TAYLOR, of Virginia, said he was opposed to the district system, because it had a tendency to deprive all the States, great and small, of a portion of their power, and because it interfered with the separate character of the States, as independent sovereignties. He illustrated this view of the subject by several remarks, and then proceeded to state that he concurred in the opinion that had been expressed in debate, that the district system was calculated to bring the election of President into the House of Representatives. Mr. T. fully concurred in the views of the gentleman from South Carolina, (Mr. HAYNE,) that great evils would arise from the constant interference of Congress in the Presidential election, and that any amendment to the constitution would be very objectionable which would have the effect of making that interference more frequent. He said it had been a great object with him for many years to effect some amendment to the constitution, which might secure the election of the President, without troubling Congress with it. He might not live to see that desirable object accomplished, but he hoped the gentleman from South Carolina would.

As to the question of a Congressional caucus for the nomination of candidates for the Presidency, Mr. T. said he never had any doubt that such a nomination was a clear violation of the spirit of the constitution. On that subject, he believed, his sentiments were in print. It appeared to him preposterous for gentlemen to contend that, in making such a nomination, they acted in their private capacities. Mr. T. here entered into some arguments to prove that members of Congress could not meet at the Seat of Government and nominate a candidate for the Presidency, without making it a public business. The people would so regard it, and it would produce the same effect as if the nomination was made by members in their legislative capacities.

His honorable friend and colleague (Mr. BAR-

BOUR) had stated that he (Mr. TAYLOR) had been his instructor in respect to caucusing, and that he had introduced him into the first caucus he ever attended. His colleague, if he had received any instructions from him on the subject, had certainly profited greatly by them. He had been a very apt scholar in his lessons, and had far outstripped his master. But his colleague was greatly mistaken. He had never attended a caucus, either in Congress or elsewhere, for the purpose of nominating candidates for offices. Such proceedings he considered very dangerous, and altogether unconstitutional.

The meeting to which the gentleman had alluded was held by some of the members of the Virginia Legislature, for the single purpose of preparing resolutions to be proposed in the Legislature. Mr. T. said he did not agree with the gentlemen on the other side, that informal meetings for preparing bills or resolutions to be proposed to legislative bodies had any resemblance to a Congressional caucus, intended to transfer from the States their constitutional check and influence in the election of a President to Congress. It had been said, indeed, that a Congressional caucus acted only in their private characters. To illustrate this assertion: we have all heard of what is called a bull dance. Suppose sixty or seventy of the gravest and most respectable private citizens should assemble and entertain the spectators with jigs, rigadoons, and hornpipes, would not their private characters be estimated in contemplating the exhibition? But, if the same number of members of Congress should assemble and exhibit a similar scene, would not their public characters be also estimated? So, when assembled for nominating a President, it is their public characters, and those only, which are intended to influence the election; and such an influence destroys that of the States, bestowed by the constitution for self-preservation, by transferring to Congress a power conferred on the States. Their characters will follow them into a caucus, either for the purpose of a bull dance, or for nominating a President.

Mr. T. said that he had not previously mentioned the word *caucus* in this debate, nor should he have now done so, had he not been personally called upon; but that, if the resolutions for amending the constitution should be taken up, it would be necessary to consider that subject as having a tendency towards that consolidated and concentrated form of government towards which we were verging with awful rapidity. At this juncture, its thorough examination would produce an excitement inconsistent with a discreet consideration of the amendments; and therefore he concurred in the proposed postponement.

Mr. KELLY, of Alabama, next took the floor, and began with observing that he would endeavor, so far as it was practicable, to withdraw the subject under debate from the fog with which it had been enveloped, and to conform

to the rule of debate prescribed by the Chair. He remarked that the whole discussion on this caucus question had arisen from a want of forbearance on the part of the gentlemen who had advocated that measure. The gentleman from New York (Mr. KING) had been charged with a change of opinion on the subject of the constitutional amendments, and had risen in his defence, and justified his disposition to delay acting on the subject at this crisis, on account of the central power which now presumed to select candidates for the Presidency and Vice Presidency of the United States. Whether he actually used the cabalistic and portentous word, *caucus*, or not, I hold it, said Mr. K., immaterial. He certainly spoke of a central power that had arisen in this Government, not known to the constitution, and unfriendly to the liberties of the nation; and whether he called it a caucus or not, he certainly did, said Mr. K., assure the gentlemen that he had no unfriendly feelings towards any person who differed from him in opinion. Now, said Mr. K., this remark was received with the most extraordinary sensitiveness on the part of these gentlemen; they had, with an ultra chivalrous *esprit du corps*, immediately rushed into a contest on the caucus question, and had entered into arguments in support of that measure. Mr. K. repeated, that a very small portion of forbearance, in that stage of the debate, would have prevented the discussion altogether; but, as gentlemen had thought proper to assume a different course, it had certainly become necessary that their remarks should be answered and their arguments refuted. This had been done by the gentleman from South Carolina, in respect to the arguments which were urged on the other side, before he addressed the Senate. But other arguments had still been advanced, and to these, Mr. K. said, he would now proceed to reply. Waiving, for the present, the constitutional question, he would notice the argument of the necessity of a caucus as a party measure. Now, without arguing how far a caucus could be justified on that ground, he would say that such a measure could certainly not be justified as a party measure, where only a small minority could be got to unite in it. He had always understood that the very first principle of the Republican party, to which he belonged, was, that a majority only could act or speak for the party, and this, indeed, seemed to be a sacred principle, that could in no case be disregarded. But the gentlemen of the present day have conquered the difficulty that embarrassed Archimedes: when he stood a solitary Colossus on the vortex of mechanical science, he exclaimed, "Give me a place to stand, and I'll move the world." Gentlemen have stricken from this sentence the "*dos pou sto*," and the article "*kai*," and retain only the "*ton kosmon kinazo*." They now propose to raise the world without a fulcrum—here Mr. K. was called to order by the Chair. The PRESIDENT said that, in his opinion, the debate had, on the former days,

assumed a much wider range than the strict rules of order would authorize; he himself was not then in the chair; and that he conceived it to be his duty, at this point, to confine the discussion to the precise question before the Senate. Mr. KELLY said it was his intention to have replied to some of the opinions heretofore expressed in debate, in favor of the meeting alluded to; but, as the Chair had decided that it was not in order to do so, he should submit to the decision, and take his seat.

Mr. BARBOUR, who was in the chair when the discussion alluded to commenced, felt it his duty to explain the reasons which had induced him to allow a wider latitude to that debate than had been indicated to be proper, by the Chair, at this time. It was in consequence of his peculiar situation, in connection with that meeting, that he had refrained from calling gentlemen to order who had introduced its discussion. He considered that it was better that the liberty of debate should be sometimes abused, than that it should be curtailed—the more especially, as every gentleman stood answerable before the country for any remarks he might make in this Senate.

After the lapse of a few minutes, and after another gentleman had risen to speak, the VICE PRESIDENT observed, that the gentleman from Alabama was entitled to the floor, if he chose to progress.

Mr. KELLY then rose, and observed that he understood himself to have been deprived of the floor by the decision of the Chair; to which the VICE PRESIDENT replied, that the merits of the question before the Senate might be discussed, and that the gentleman might progress. Mr. KELLY then observed, that he would not attempt to evade the decision of the Chair, and that if he could not be permitted to reply to political doctrines preached here for home consumption, he had no wish to speak.

Mr. BRANCH, of North Carolina, asked the indulgence of the Senate for the purpose of submitting, for their consideration, a few thoughts in relation to the important subject-matter under discussion. He said it was due to the State he had the honor in part to represent, for him to support the amendment to the constitution, which proposes to establish a uniform mode for the appointment of Electors of President and Vice President, and to himself, to oppose the indefinite postponement of the various propositions now pending. With the sentiment of the Legislature of the State he most heartily concurred.

In entering on the subject, he said that he should endeavor to conform to the decision of the Chair, and that he would not intentionally bring into discussion matter foreign from the true question before the Senate; for he firmly believed that the decision of the presiding officer was correct, and ought to be enforced.

It would become necessary for him, however, to animadvert on the constitution as it is at present, and to call the attention of the Senate

MARCH, 1824.]

Amendments to the Constitution—Caucus System.

[SENATE]

to the pernicious practices which had obtained and grown up under it, which threatened, ultimately, to subvert the liberties of the people. It was the duty of an able surgeon to probe the wound to the bottom, that he might be the better enabled to devise and apply an effective remedy.

It would not be denied, he said, that it was the intention of the Convention which framed the constitution to give to the people the election of their Chief Magistrate. But what have we been told by my highly esteemed friend and colleague, (Mr. MAOON,) who is certainly high authority? Why, that the President had, since the days of General WASHINGTON, *been always elected by Congress.*

This, said Mr. B., is the most alarming declaration, and surely it becomes necessary that something should be done to prevent that from taking place in future. The constitution provides that the President shall be elected by the people, through their Electors; but we find that a plan has been found out, setting aside this provision—the President is to be chosen, and the people are called upon only to conform to the will of their rulers. Now, if these unconstitutional proceedings are to be continued, and the President hereafter is to be chosen by *Congress acting in caucus*, it is manifest that the constitution will not only be practically altered, but that a door will be opened to the greatest abuses and corruption. We will soon find that the President will be chosen only by means of intrigue and management with the members of Congress.

Is not the mischief, therefore, abundantly evident? Either make some alteration, so as to give *efficiency* to the vote of the people, or let them no longer be deluded with the fallacious idea that they exercise the power themselves. It is not worth while to disguise the fact from ourselves. We all see it. Indeed, it must be manifest to the most superficial observer, that the different departments of the Government, instead of acting as checks on each other, are naturally drawn to play into each other's hands; particularly the Executive and Congress. The gentleman from New Jersey, (Mr. DICKERSON,) to whom I have listened with much pleasure, has failed to assign any reason why it is unsafe to return the election to the Electors. I must therefore presume, said Mr. B., that none exists.

Let us then, said Mr. B., throw off this usurped authority, and return to the people the rights of which they have been wrongfully shorn. From whence do the members of Congress derive the power to elect the President of the United States? I hazard nothing, said Mr. B., in saying, that the power is not to be found in the constitution, and that it is, consequently, an encroachment upon the sovereignty of the people: the more alarming, inasmuch as it is exercised in the corrupt atmosphere of Executive patronage and influence. Make me President, and I will make you a Minister, a

Secretary, or, at all events, I will provide you with a good berth, suited to your wants, if not to your capacity. And thus we shall barter away the rights and privileges of the people, at the expense of the best interests of the country, and the charter of our liberties. The mischief is abundantly manifest. Let us not, then, turn a deaf ear to the admonitions of duty and the voice of an enlightened community, but rather let us have the magnanimity to return—to leave the things which belong to the constitution, even though, in doing so, we part with some of our influence. The President and Congress were intended, by the wise framers of our constitution, to act as checks, each upon the other; but, by the system at present practised, they lose the benefit of this salutary provision. For, as has been observed by my honorable colleague, the Congress have always made the President, and will continue to do it. Yes, sir, the voice of that orthodox and experienced statesman has said so, and I have no reason to doubt the correctness of his assertion.

It ought not to be said, observed Mr. B., that we are incapable of acting on this important subject calmly and dispassionately. Our present session is comparatively unlimited; it is, in truth, the long session; our table is not burdened with important business; we sit but two or three hours in the day, and but five days out of the week; this objection cannot, therefore, be sustained. And as to the Senate of the United States, composed of gentlemen advanced in years, possessing a character, and justly, too, for their discretion and intelligence, being hurried away by passion or excitement, I cannot, said Mr. B., believe it for a moment. We are all convinced that no alteration can be made in time to affect the approaching Presidential election. Hence, whatever excitement may be felt, it will not be of a pernicious character, but will rather tend to elicit the best and most effectual remedy. If we suffer the present propitious moment to pass by, what may we expect? Why, sir, that the nation will again fall into a state of apathy, and that nothing will be done until the people are again called on to elect another Chief Magistrate, when we shall have to deprecate the recurrence of all the mischief at present complained of, and which threatens such alarming consequences to the peace and security of society.

Mr. MAOON rose in explanation of the allusion made by his honorable colleague to his remark, that the President had always been, with the exception of General Washington, elected by Congress. He repeated the observation, with a firm conviction of its correctness, that this had been the case, and, in his opinion, it always would be the case. If the members of Congress did not act in caucus, they would influence the people in some other way. The people were always writing to the members to get their opinion upon the different candidates, and their opinions would have great effect. Mr. M. said he was willing to alter the constitution, but Congress,

said he, will elect the President, be the constitution what it may.

The question was then put, on postponing the whole subject indefinitely, and decided in the affirmative—yeas 80, nays 13, as follows:

YEAS.—Messrs. Barbour, Barton, Bell, Brown, Chandler, Clayton, D'Wolf, Eaton, Edwards, Findlay, Hayne, Holmes of Mississippi, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Mills, Palmer, Parrott, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Van Dyke, and Williams.

NAYS.—Messrs. Benton, Branch, Dickerson, Elliott, Holmes of Maine, Lowrie, Macon, Noble, Ruggles, Smith, Thomas, Van Buren, and Ware.

So it was resolved that the said resolution be indefinitely postponed.

TUESDAY, March 28.

Lake Superior Copper Mines.

The resolution submitted yesterday, by Mr. BENTON, directing the Committee on Indian Affairs to inquire into the expediency of extinguishing the Indian title to lands on the south side of Lake Superior, supposed to contain valuable copper mines, was again read, and agreed to.

Western Boundary Line of the Territory of Arkansas.

Mr. BENTON, from the select committee, to whom was referred, on the 17th December last, the memorial of the General Assembly of the Territory of Arkansas, made a report, accompanied by a bill to fix the western boundary line of the Territory of Arkansas; which were read, and the bill passed to a second reading.—The report is as follows:

That the memorialists represent that the line, prescribed by an act of the last session of Congress, for the western boundary of the Territory of Arkansas, will pass through the counties of Miller and Crawford, and leave a proportion of the population of the said counties on the outside of said line and beyond the jurisdiction of said Territory; and they pray that the line may be altered, and fixed so far west as will include the residue of said counties and their inhabitants.

By information derived from the Delegate of said Territory, the committee are informed that the number of inhabitants thus cut off from the government under which they had lived, amounts to about twelve hundred souls; and the inquiries which present themselves, are: 1st. Whether the said inhabitants shall be left as they are, without law to govern them? 2d. or, Whether they shall be compelled to come within the present limits of the Territory? 3d. or, Whether the western boundary shall be extended to include them?

The first alternative the committee reject, for reasons too obvious to require specification. To the second, many objections are found, arising from the organized state of the counties; the claims which many of the inhabitants set up for pre-emption rights,

under the act of Congress of the 12th of April, 1814; and, above all, from the fact that, by an order issued from the War Department, the 15th December, 1818, a line drawn from the source of the Kosmichi, to the source of the Poteau, was fixed as the limit of western settlements in Arkansas, and settlers west of that line were ordered to be removed to the east of it; in the execution of which order, by the commanding officer of Fort Smith, on the Arkansas River, the settlers in the now counties of Miller and Crawford were not removed, because found to be on the eastern side of the said line. The third alternative is, therefore, adopted by the committee, as well for the reasons growing out of the objections to the first and second, as because a line further west will divide into two equal parts the territory of the United States upon the Arkansas, east of the Mexican boundary, and will give to the future State of Arkansas that power and magnitude, to which, as a frontier State, in relation both to a foreign nation and numerous Indian tribes, it will be justly entitled.

The adjustment of the Indian boundary lines not being a subject of legislation, the committee do not make any report upon the existing boundary between the Choctaws and white settlers in the Territory of Arkansas. They leave that subject to the operation of treaties made or to be made, and report a bill solely for the extension of the western boundary line of the Territory of Arkansas.*

THURSDAY, March 25.

Lake Superior Copper Mines.

Mr. BENTON, from the Committee on Indian Affairs, to whom the subject was referred by a resolution of the Senate of the 23d instant, reported a bill to authorize the President to hold a treaty with the Indians owning the country on the south side of Lake Superior, for the purpose of extinguishing their title to certain districts supposed to contain valuable mines of copper; which was read, and passed to a second reading.

General Appropriation Bill.

The unfinished business of yesterday, being the bill from the other House, "making appropriations for the support of Government, for the year 1821," with the several amendments proposed thereto, by the Committee on Finance of

* The bill which accompanied this report, and which was passed into a law, (which was afterwards most unfortunately repealed,) extended the western boundary of the territory forty miles west, upon a breadth of three hundred; and from the excellence of the territory added would have made Arkansas a State of nearly the first class. The following was the bill, as it passed, and became a law:

Be it enacted, &c., That the western boundary line of the Territory of Arkansas shall begin at a point forty miles west of the southwest corner of the State of Missouri, and run south, to the right bank of the Red River, and thence, down the river, and with the Mexican boundary, to the line of the State of Louisiana, any law heretofore made, to the contrary notwithstanding.

Sec. 2. And be it further enacted, That the sum of two thousand dollars, to defray the expense of running and marking said boundary line, to be expended under the directions of the President of the United States, be, and the same hereby is, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

MARCH, 1824.]

Public Agent to take care of U. S. Interest, &c.

[SENATE.]

the Senate, was again taken up in Committee of the Whole.

General Appropriation Bill.—Salaries to Ghent Commissioner and Arbitrator.

The Committee on Finance propose to amend the bill, by striking out the sum of \$18,000, appropriated "for the payment of the salaries of the Commissioner and Arbitrator, under the first article of the Treaty of Ghent, half the salary of their secretary, and half the contingent expenses of said commission;" and to insert in lieu thereof, the sum of "\$2,500," together with the unexpended balance of the last year's appropriation for this purpose.

Public Agent to take care of U. S. Interest before this Commission.

Mr. KING, of New York, yesterday moved to amend this amendment, by including, in this item, a provision for a "public agent," to take care of the claims before this commission. That motion being under consideration, when the Senate adjourned yesterday, the question again recurred upon it. Mr. SMITH made some further remarks, in opposition to the motion. It was opposed, also, by Messrs. VAN DYKE, HOLMES of Maine, NOBLE, and MACON; and supported by Messrs. JOHNSON of Kentucky, EATON H. JOHNSON of Louisiana, BARBOUR, KING of New York, and HAYNE.

Mr. KING, of New York, observed that the gentleman from Delaware having inquired by what authority the proposed agent was appointed, and what is the nature of the appointment, he would state the opinion which he entertained on the subject. The agency in question having no connection with the Legislature or the Judiciary, he conceived it to be wholly of an Executive character, proceeding from, and having relation to the Executive power, which, by the constitution, is vested in the President of the United States. The President is authorized to nominate, and, by the advice and consent of the Senate, appoint ambassadors, judges of the Supreme Court, and all other officers of the United States whose appointments are not, by the constitution, otherwise provided for, and which shall be established by law. The enumerated officers are created by the constitution; various other officers of the United States are provided for by law. Executive services which from time to time may be requisite, and concerning which no law has made provision, from the beginning, have been performed by agents, appointed by the President alone. Should such appointments be made unnecessarily, and, in making them, it should be believed by the Congress that the Executive power is employed corruptly or improvidently, they will check such appointments by refusing to appropriate money to defray the expenses of them. Congress, in exercising such check, will act with the discretion and caution that the occasion calls for, manifesting the consideration and con-

fidence which harmony between the co-ordinate departments of the Government requires.

Thus, soon after General WASHINGTON became President, Baron Steuben was sent to General Halderman, the Governor and Commander-in-chief of Canada, to ascertain whether he was authorized and prepared to deliver the northern posts, pursuant to the treaty of peace; and, upon General Halderman's declining to deliver them, Mr. Gouverneur Morris, then in Europe on his private business, was authorized by the President, General WASHINGTON, to proceed from France to England, to inquire of the English Ministry whether orders had been or would be sent to the Commander-in-chief in Canada to evacuate the American posts, according to treaty. The Baron Steuben and Mr. G. Morris were Executive agents on these occasions. Soon after the commencement of the war between France and Great Britain, the November Order of Council was issued in England, by which their armed vessels were instructed to detain, and send into port for adjudication, all American vessels employed in a trade which they were not permitted to carry on in peace; and the British ships of war detained American ships, and impressed their seamen in the West India seas. These proceedings induced President WASHINGTON to send Mr. Higginson, of Boston, to the islands, and to obtain from the Courts of Admiralty copies of the decrees of condemnation of American vessels and cargoes, and to send these to the United States or to London. About the same time Captain Talbot, of the Navy of the United States, was sent by General WASHINGTON, as an agent, to assist and recover the American seamen impressed into the British service. Captain Talbot proceeded to Jamaica, and other English islands, and afforded great assistance and protection to impressed American seamen.

Mr. Samuel Bayard was contemporaneously sent by General WASHINGTON, as an agent to England, to enter, in the High Court of Admiralty, appeals from the colonial Admiralty Courts, to engage proctors to assist him, and to place in their hands the colonial decrees of condemnation of American vessels and cargoes. All of these agencies were derived from mere Executive appointments; they were faithfully executed, and contributed much to protect the rights and to secure the property of our countrymen.

After the treaty with Great Britain, of 1794, two sets of Commissioners met in America. One concerning the river St. Croix, assembled at Halifax; another concerning debts, convened at Philadelphia. A third set of Commissioners met at London. Concerning the debts, an agent was authorized by law to be appointed by the President and Senate, to be employed before the Philadelphia commission. Concerning the river St. Croix, an agent was appointed either by the President of the United States, or by the State of Massachusetts, that State being con-

SENATE.]

Portrait of Columbus, &c.

[MARCH, 1824.]

cerned in the settlement of this boundary. In respect to the London Commissioners, three successive agents were appointed by the President. The first, Mr. Bayard, by President WASHINGTON; the second, Mr. Samuel Cabot, by General WASHINGTON, or by his successor, Mr. Adams; the third, Mr. Erving, who superseded Mr. Cabot, by President Jefferson. These appointments, except the agent before the Philadelphia commission, were not made in pursuance of any law, but considered as Executive agencies, appointed and employed by the Executive alone.

Under Mr. Jefferson, or his successors, Mr. Poinsett, in South America; Mr. B. Provost, in Peru; Messrs. Rodney, Bland, and Breckenridge, at Buenos Ayres; Mr. Baptiste Irvine at Caracas; Mr. Tod, in Colombia, and Mr. Robinson in Mexico, have been employed as Executive agents, all being appointed by the Executive alone, no law creating their respective employment having been made. Each and all these agents have been paid out of the Treasury of the United States; appropriations for which must, from time to time, have been made.

Whether these agencies have been carried further than they ought to have been, Mr. K. could give no information; but no opposition is recollected to have been made to them. Within suitable limits, the power of the Executive to employ agents to obtain information, with which his office requires he should be furnished, will hardly be doubted; and the practice is the usage of all other nations, and has been that of the United States from the beginning, and under all the Presidents. The present agency is thought to be important, and useful to the States whose citizens lost their slaves; and, according to former precedents, this agency is well justified; it is deemed requisite by the Secretary of State, to whose department the subject belongs; it has received the approbation of the American Commissioner and Arbitrator; and, as the average value of the lost slaves, the most important preliminary point, yet remains to be determined, the assistance of the agent continues to be useful, if not absolutely necessary. Should the agent be discontinued, the session of the Commissioners will be prolonged, and its expense thereby enlarged; so that the continuance of the agency will not only be of general utility, but a measure of positive economy.

The question on Mr. KING's motion was then put, and decided in the affirmative, 25 to 18. The discussion on this subject was continued till four o'clock. The yeas and nays were ordered and were as follows:

YEAS.—Messrs. Barbour, Barton, Benton, Brown, Eaton, Edwards, Elliott, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of New York, Knight, Lanman, Lloyd of Massachusetts, McLivaine, Parrott, Ruggles, Seymour, Taylor of Virginia, and Ware—25.

NAYS.—Messrs. Bell, Chandler, Clayton, Dicker-

son, Holmes of Maine, Lowrie, Macon, Noble, Smith, Taylor of Indiana, Thomas, Van Buren, and Van Dyke—18.

The Senate then adjourned.

FRIDAY, March 26.

Accounts of Governor Tompkins.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES: *To the Senate of the United States:*

Having stated to Congress, on the 7th of December last, that Daniel D. Tompkins, late Governor of New York, was entitled to a larger sum than that reported in his favor by the accounting officers of the Government, and that, in the execution of the law of the last session, I had the subject still under consideration, I now communicate to you the result.

On full consideration of the law by which this duty was enjoined on me, and of the report of the committee on the basis of which the law was founded, I have thought that I was authorized to adopt the principles laid down in that report, in deciding on the sum which should be allowed to him for his services. With this view, and on a comparison of his services with those which were rendered by other disbursing officers, taking into consideration, also, his aid in obtaining loans, I had decided to allow him five per cent. for all sums borrowed and disbursed by him, and of which decision I informed him. Mr. Tompkins has since stated to me that this allowance will not indemnify him for his advances, loans, expenditures, and losses, in rendering those services, nor place him on the footing of those who loaned money to the Government at that interesting period. He has also expressed a desire that I would submit the subject to the final decision of Congress, which I now do. In adopting this measure, I think proper to add, that I concur fully in the sentiments expressed by the committee in favor of the very patriotic and valuable services which were rendered by Mr. Tompkins in the late war. JAMES MONROE

MARCH 25, 1824.

The Message was read, and laid on the table.

Appropriation Bill—Public Agent.

The unfinished business of yesterday, being the consideration of the bill "Making appropriations for the support of Government, for the year 1824," was again resumed, in Committee of the Whole. The question was upon striking out the appropriation of \$18,000, "for the salaries of commissioner, arbitrator, and an agent under the first article of the Treaty of Ghent, and half the salary of their secretary, and half the contingent expenses of said commission," and to insert in lieu thereof the sum of "\$2,500," for that purpose. This was the amendment proposed by the Committee on Finance of the Senate, as yesterday amended, on motion of Mr. KING, of New York. The amendment was agreed to.

MONDAY, March 29.

Portrait of Columbus, &c.

Mr. DICKERSON, from the Select Committee, appointed on the 11th December last, on the distribution of the rooms of the centre building of the Capitol, to whom was referred a

MARCH, 1824.]

Indian Fur Trade.

[SENATE.]

communication from the Secretary of State of the 2d January last, reported resolutions providing a place of deposit for the portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence now in the Department of State; which was read, and passed to a second reading.—The report is as follows:

That the committee have had under consideration the following letter of the Secretary of State, which was referred to them:

"To the President of the Senate:

DEPARTMENT OF STATE,
Washington, January 1, 1824.

SIR: I have the honor of enclosing, herewith, a copy of a letter received at this department, from George G. Barrell, Consul of the United States at Malaga, and informing you that the picture mentioned in it, is at the office of this department, subject to such disposal of it as Congress may direct.

Having been some time retained at New York, to which place it was shipped by Mr. Barrell, it has very recently been received here in a frame, upon which is engraved the following inscription:

'Columbus.

'Presented to the nation, by G. G. Barrell, United States Consul at Malaga. The frame presented by Parker & Clover, picture framers, New York, A. D. 1823.'

I avail myself of this occasion to state, that an exact fac-simile, engraved on copperplate, has been made by direction of this department, of the original copy of the Declaration of Independence, engrossed on parchment, and signed by all the members of Congress on the 2d of August, 1776, as appears by the secret journal of that day. Two hundred copies have been struck off from this plate, and are now at the office of this department, subject to the disposal of Congress.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS."

The committee beg leave to report the following resolutions:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled: That the picture mentioned in the foregoing letter of the Secretary of State be placed in the National Library.

Resolved, That the two hundred copies of the Declaration of Independence, now in the Department of State, be distributed in the manner following:

- 2 copies to each of the surviving signers of the Declaration of Independence;
- 2 copies to the President of the United States;
- 2 copies to the late President, Mr. Madison;
- 2 copies to the Marquis de Lafayette;
- 20 copies to the two Houses of Congress;
- 12 copies to the different Departments of Government;
- 2 copies for the President's House;
- 2 copies for the Supreme Court room;
- 1 copy to each of the Governors of the States, and 1 to each branch of the Legislatures of the States;
- 1 copy to each of the Governors of the Territories of the United States, and
- 1 copy to the Legislative Council of each Territory;

And the remaining copies to the different Universities and Colleges of the United States, as the President of the United States may direct.

Resolved, That the President of the United States be requested to cause the distribution of the said copies of the Declaration of Independence to be made, agreeably to the foregoing resolution.

Indian Fur Trade.

On motion of Mr. BENTON, the Senate, as in Committee of the Whole, proceeded to consider the bill reported by the Committee on Indian Affairs, "to enable the President to carry into effect the Treaty of Ghent, to prevent foreigners from trading with the Indians within the limits of the United States, and to secure the fur trade to the citizens of the said United States." Mr. ELLIOTT was called to the Chair. The bill having been read—

Mr. BENTON said that the provisions it contained were bottomed upon the fact, that foreigners instigated the Indians on the Upper Missouri to kill and pillage American citizens. To prevent these outrages, and save the fur trade to our own citizens, it was necessary to exclude these foreigners wholly from the dominions of the United States. As the chairman of the committee which reported the bill, it became his duty to sustain the views it presented; and, in doing so, he would recall to the recollection of the Senate that, from the day of our independence, the frontiers of the United States have been constantly harassed by the machinations of foreigners among the Indians within our own boundaries.

In the South, the instigations of the Spanish authorities, and the incitements of a foreign mercantile house in Pensacola, kept the Southern Indians at war with the Southern and Western States, with a few intermissions, for a period of forty years. It is only within four or five years past that these hostilities have ceased. The acquisition of the Floridas, by putting an end to the practices of foreigners, has given permanent peace to the Southern frontier.

The Northwest has presented a more extended theatre for the same kind of machinations. The Western posts were retained, from the peace of '83, in violation of the treaty of that date, until the year '96. The pretext for the retention was, the non-payment of debts claimed by the British merchants; the motive, to monopolize the fur trade, to retain the control of the Indians, and to check the progress of the Western settlements. The first of these motives was admitted in the year '89 by the Duke of Leeds and Mr. Pitt. The admission was made to Mr. Gouverneur Morris, authorized by President WASHINGTON to sound the British Ministry on the subject of restoring the Northwestern posts, and entering a commercial treaty with the United States.—(*Marshall's Life of Washington*, vol. 5, p. 276.) The second was proclaimed by Lord Dorchester, Governor General of Canada, in the year '92—proclaimed under circumstances which admitted of no de-

nial, in a public speech to prepare the Western Indians for a war with the United States.—(*American State Papers*, vol. 2, p. 56.) British traders, protected by their Government, and incited by their own cupidity, succeeded in bringing on the great Indian war which desolated, for so many years, the frontiers of Kentucky and Ohio, overwhelmed two American armies with disastrous defeat, and was only terminated by the great victory of General Wayne in the year '94, on the Miami of the Lakes, in sight of a British garrison. This war was the fruit of the retention of the Northwestern posts in violation of the treaty of '83. The knowledge of this fact determined the American Government to procure, at any sacrifice, the surrender of these posts. The treaty of '94 effected this object, but left to British subjects the fatal privilege of entering our territories and trading with our Indians. The use which was made of this privilege is known to all America. Everywhere the British traders were engaged in poisoning the minds of the Indians, and inciting them to war and hatred against the Americans. A circular speech was composed, and sent among all the tribes, in which the Great Spirit was made to declare the British and Indians were his own children, and the Americans the children of the Evil Spirit—"that they grew from the scum of the great waters when it was troubled by the Wicked Spirit, and the froth was driven into the woods by a strong East wind."

By these arts, long before the declaration of the late war, the Indians were ripe for hostilities with us, and their formidable confederacy, inflamed by fanaticism, extended from the Lakes of Canada to the Gulf of Mexico. They would not even wait for the co-operation of their allies, but boldly began the war in the year 1811, upon the bloody field of Tippecanoe. In the three succeeding years, they occasioned the expenditure of millions of money, and the loss of thousands of lives. Massacres, the recital of which freeze the blood, were repeatedly perpetrated, and British traders led the attack, and presided at the slaughter of the wounded and the captive. Does any one doubt that these traders instigated these Indians to begin the war? Let him read the Message of President Madison, recommending war against England, and he will find the conduct of these traders stated as one of the reasons for declaring war against that power. Let him look to the papers which accompanied that Message, and he will find a volume of testimony supporting that charge. Let him look to the report of the committee in Congress, to whom these proofs were referred, and he will find it unanimously agreed that these traders, in a period of profound peace, while carrying on a lucrative trade within the American Territories, under the protecting sanction of a treaty, had systematically encouraged the Indians to war against us. The full knowledge of all these facts determined the Administration to make no peace with Great

Britain without excluding her traders from all intercourse with Indians living within the United States. In pursuance of this determination, instructions were given to our commissioners at Ghent not to renew the third article of Mr. Jay's treaty. A treaty was made and the article was not renewed. Great was the joy of the West. Vast as had been her losses, her sacrifices of brave citizens in the prosecution of the war, she felt herself compensated by the single advantage of excluding British traders from all intercourse with her Indians. But the care of the Administration did not cease with the conclusion of the treaty. It was necessary to give it effect to carry it into execution, not to suffer a repetition of the faithless conduct which followed the treaty of '83. A plan was immediately projected to occupy, with a military force, all the commanding positions on the frontiers of the Northwest. The Falls of St. Mary, at the outlet of Lake Superior; the Falls of St. Anthony; Prairie du Chien; the Council Bluffs; and the Yellow Stone River, were each to receive a garrison. This plan of defence was projected in the year 1815, Mr. Madison being President, and Mr. Monroe Secretary of War. It was a part of that system of defence which covered the seacoast with fortifications. All the positions were occupied, the Yellow Stone excepted. British traders disappeared from the Upper Mississippi and the Lower Missouri. The Indians, within the points occupied by our troops, returned to habits of friendly intercourse and regular trade with American citizens. But the Upper Missouri was left in the hands of the British. For want of the protection of a military post, American traders, for several years after the conclusion of peace, made no attempt to penetrate that rich fur region which lies at the foot of the Rocky Mountains. In 1821-2, the first attempts were made. The companies which went out, were engaged in hunting as well as trading. The Crow Indians, a numerous and powerful tribe on the south side of the Yellow Stone, made no objection to the use of the beaver trap among them.—(*Mr. Pilcher's statement*, page 19, document No. 56.) In the Spring and Summer of 1823, hostilities broke out on the Upper Missouri. General Ashley was attacked by the Arikaras, and lost twenty-six men, killed and wounded. The Missouri Fur Company was attacked by the Blackfeet on the Yellow Stone River, lost seven men killed, and fifteen thousand dollars' worth of furs and merchandise. Major Henry was attacked on the same river, by the same tribe of Indians, and lost four or five men killed. The Assinaboins had previously robbed him of some fifty horses upon the Missouri River. This, continued Mr. BENTON, is the narrative of our Indian relations beyond the Mississippi. Of nearly thirty tribes which are found there, no more than three have been hostile to us! The questions which now present themselves to the Senate, are, first, to ascertain the cause of hostility from these three tribes; secondly to provide the

MARCH, 1824.]

Indian Fur Trade.

[SENATE.]

proper remedy for preserving peace with them in future.

On the first of these inquiries the public mind has been most scandalously abused. Soon after the perpetration of the outrages on the Upper Missouri, a letter, without name, purporting to have been written by an Indian agent in St. Louis, appeared in all the Atlantic papers. It justified the hostilities of the Indians, ascribed their robberies and murders to a just resentment of hunting and "trapping" on their lands, contained the usual portions of abuse upon American traders, and of sentimental love and affection for the oppressed children of the forest. I knew the letter to be a fabrication, but, to satisfy the Senate on that point, an interrogatory was addressed to Major Graham, United States agent beyond the Mississippi, and Mr. Pilcher, partner in the Missouri Fur Company. Their answers will be found in number 56, of the documents of this session. Major Graham states, that he knows nothing of this letter, and does not believe "such a letter could be written by an Indian agent." Mr. Pilcher states, that he saw it at St. Louis in an Atlantic newspaper—mentioned it to Major O'Fallon, "who was indignant at its contents"—and that he and Major Graham are the only Indian agents upon the Missouri. This testimony fixes the false character of this letter; its diabolical intention was carried upon its face. It was intended to poison the public mind—to overwhelm American traders with public odium—prevent Congress from interfering for their protection, and then continue to the British the exclusive enjoyment of the fur trade beyond the Mandan villages.

The justification set up by the Arikaras is untrue in point of fact. No hunting or "trapping" had taken place upon their grounds. Major Graham, in the document just quoted, says that he never heard of such a thing. Mr. Pilcher states, that no instances had come to his knowledge; that the Arikara country contained very little fur. The circumstances of the attack upon General Ashley prove the falsehood of this pretended justification. He arrived at the Arikara villages on the 30th day of May, on his way to the Rocky Mountains; stopped upon the request of the chiefs; traded on the first day of June for forty or fifty horses; and was preparing to resume his voyage on the morning of the 2d, when he was treacherously attacked, and had twenty-six men killed and wounded. (*Document No. 2.*) Here was neither hunting upon the Arikara grounds, nor time for any such thing to have taken place. Whence, then, the hostility of these Indians? It is of old date, and almost commensurate with the commencement of our acquaintance with them. It began about the year 1808, in the attack and defeat of an expedition sent by the United States to carry home the Mandan chief, who accompanied Lewis and Clark to the Seat of Government, upon their return from the Pacific Ocean. Lieutenants Prior and Ohtean commanded the expedition; the flag of the

United States waved at the bow of the boat, yet it was attacked, defeated, compelled to fall back to St. Louis, and no atonement, no satisfaction has ever been obtained for this outrage. The United States submitted to the attack upon her flag, the murder of her soldiers, the disgrace of defeat, and afterwards smuggled home the Mandan chief by the aid of a fur trader. Their late conduct may be stated in the words of Mr. Pilcher.—*Document No. 56:*

"I know that the Arikaras killed a man about the year 1816, or '17, a little above the Big Bend of the Missouri River, in the Sioux country, who was in the employment of some of the fur traders of St. Louis. I know that a war party of the Arikaras, amounting to 80 or 90 men, came down to that country (Sioux) in the month of April, 1820, and robbed two trading-houses established by the Missouri Fur Company for the trade of the Sioux Indians, one above, the other a little below the Big Bend of Missouri—beat and abused the men in charge of the houses, and then continued down the river to the trading-houses of another company, and robbed them of a considerable amount of merchandise, from the owner's account, not less than sixteen or seventeen hundred dollars. I know that some of the principal braves of that nation attempted, during the last Winter, to rob my clerk while in their own villages, and committed violence upon him. In the month of March last, after this clerk left their villages, and had descended the Missouri, to one of our principal Sioux trading-houses, about two hundred miles below the Arikaras, a party of that nation, consisting of about eighty men, came down to the neighborhood of this house, met six of our *voyageurs*, a few miles from it, who were employed in collecting the furs and peltries purchased from the Sioux, stripped them naked in the prairie, robbed them of their clothes, stole three or four horses or mules, beat each of them severely, and left them naked in the prairie. The same party came that night and fired on the house, stole another horse, and went off. A day or two subsequent to these outrages another party, amounting to one hundred and fifteen men, came in daylight, and attacked this house. Mr. McDonald, one of my partners, his clerk, and eight or ten *voyageurs*, defended themselves and the house, which contained a large amount of property. In this affair the Arikaras lost two men killed, and probably three or four wounded."

Mr. B. called the attention of the Senate to the fact, that all these depredations were committed in the country of the Sioux, two hundred miles from that of the Arikaras, under circumstances which forbid the boldest of their defenders to set up the pretext of repulsing hunters and "trappers" from their violated grounds.

The fabricated letter put up another apology for the Arikaras. It justified their attack upon General Ashley, upon the ground of retaliation for the two men (one of them the son of a chief) killed by the Missouri Fur Company. This justification implies that the members of this company had no right to repulse an attack upon their house, when one hundred and fifteen Arikaras went two hundred miles into the Sioux country to rob and murder its inhabitants! But the Arikaras themselves set up no such ex-

cuse. In their entreaties to General Ashley to stop and trade with them, they expressed regret for the affair with the Missouri Fur Company; and said, that "the angry feelings occasioned by that affray had vanished, and that they considered the Americans as friends."—(*Document No. 2.*) What, then, was their inducement to attack General Ashley? The same which led them two hundred miles to kill and pillage the traders in the Sioux country—love of blood and plunder; and above all, the contempt of Americans, inspired by the successful and unpunished attack upon the United States troops, in the year 1808. The British traders stand acquitted of this crime. Major Graham and Mr. Pilcher (*Document No. 56*) say, they have no reason to suspect these traders of instigating the Arikaras. Upon this statement of facts, corroborated by official documents, Mr. B. averred that the Arikaras, from their first attack upon Lieutenants Prior and Choteau, in 1808, to that upon General Ashley in 1823, neither had, nor pretended to have, the plea of preventing hunters from intruding upon their grounds, or revenging previous wrongs upon themselves. Excuses to this effect were fabrications, got up after the fact, to justify the Indians, and to criminate the Americans, and he regretted to say, that these treacherous savages, bathed in the blood of American citizens, were greeted with the public sympathy, while the victims of their barbarity excite no more compassion than if they had been dogs.

Mr. B. next examined the state of our relations with that numerous and powerful tribe of Indians called the Blackfeet. The bands of this tribe ranged over all the country between the Saskatchewan and Yellow Stone Rivers, north and south, and between the Mandans and Rocky Mountains, east and west. In this vast district, drained by rivers a thousand miles in length, there was not one resident human being. All were roving, following the buffaloes and other game. To the south of the Yellow Stone live the Crow Indians, also numerous, powerful, and roving. In this district of country, on the headwaters of the Yellow Stone and Missouri, and along the base of the Rocky Mountains, hunting and "trapping" has taken place by American citizens. The instances are stated by Mr. Pilcher, (*Document No. 56*), with that explicit candor which commands the respect of every person who reads his statement. The first instance occurred about the year 1808. A company, formed in St. Louis, went to the Three Forks of the Missouri, with the double object of trading with the Indians and "trapping" for beavers. With the Crows, the most friendly intercourse was established; from the Blackfeet, nothing but hostility was encountered. They attacked the company wherever they could be found; killed twenty-seven of their number, and drove the remainder from the country. The next instance did not occur until 1822-'3. In the Spring of that year, a party of the Missouri Fur Company penetrated the Three Forks

of the Missouri, took much beaver by "trapping," and on their return were attacked by the Blackfeet, defeated, seven of their number killed, and property taken from them to the value of \$15,000. About the same time, a party under Major Henry had gone to the same region of country, for the same purpose, and had shared the same fate; they were attacked by the Blackfeet, and had eight or ten men killed and wounded.

The next tribe whose hostility pursues our traders on the Upper Missouri, are the Assinaboins. These, also, are wandering. They range principally on the river, the name of which they bear, and make excursions to the banks of the Missouri, in pursuit of buffaloes, and to waylay American traders. No blood is yet laid to their hands; but their hostile disposition has been repeatedly evinced, in the course of the last Summer, by robbing Major Henry's party of some fifty horses, and making an attack upon an American trading house, near the Mandans. Their range upon the Missouri, is between the mouth of the Yellow Stone and the Mandan villages. No hunting or "trapping" has taken place within these limits; none is alleged; and the Assinaboins are left without the pretext of that justification.

This is the full history of all the hunting and "trapping" on the Upper Missouri. Some instances occurred in the neighborhood of the Council Bluffs, but was stopped by Major O'Fallon, without having led to any hostile consequence. Justice to the citizens of Missouri requires that the origin of these hunting expeditions should be stated. They began about the year 1808—Meriwether Lewis being Governor of Upper Louisiana, and Superintendent of Indian Affairs. He drew a line between the policy to be observed above and below the Mandan villages. Below that point, he enforced the act of 1802, against hunters upon Indian lands; above that point, he tolerated and recommended hunting and "trapping" expeditions. He did so, as the only means of getting the fur trade from the British. (*Lewis & Clark's Journal*, vol. 2, p. 486, *Appendix upon Indian Affairs*.) Under the sanction of this authority, the practice began, and was revived in 1822-'3. The Government is not liable to censure for not stopping it, for their attention was only called to the subject in the course of the last Summer; nor the Missouri citizens liable to be called intruders, for they believed they had lawful permission.

Mr. B. stated, that the Arikaras, Blackfeet, and Assinaboins, were the only Indians beyond the Mississippi, which were hostile to the Americans. Out of nearly thirty tribes, between the Mississippi and Rocky Mountains, no more than three have been engaged in hostility against us! The depredations of one of these tribes, the Arikaras, has been traced to their true cause; the depredations of the other two, remain to be accounted for.

It is admitted that hunting and "trapping"

MARCH, 1824.]

Indian Fur Trade.

[SENATE.]

has taken place on the ground over which the Blackfeet range; it is admitted that these practices lead to bad consequences—that they ought to be prevented; and the bill now under discussion, in addition to the act of 1802, is intended to prevent them. But it is denied that the Blackfeet are hostile on this account. Their outrages flow from another cause; from a cause wholly unconnected with the conduct of American citizens. Mr. B. felt the delicacy and responsibility of attributing, upon equivocal testimony, a great crime to an absent party; but he felt himself called upon, by his duty to his country, to arraign the British fur traders for all the robberies and murders committed by the Blackfeet and Assinaboin Indians upon the persons and property of American citizens. In doing so, he would submit his reasons and evidences to the Senate, and leave it to all impartial men to judge of the truth.

1st. The British Companies, now united under the charter and name of Hudson Bay, have an inducement to expel American traders from the country beyond the Mandan villages. It is the richest fur region in the world; they have possession of it at present, and every consideration of interest, every feeling of cupidity, impels them to drive competitors away.

2d. They have never failed, when they had an inducement, to employ Indians to kill and rob American traders and citizens. Witness the scenes upon the Northwestern frontier, from the peace of 1788 to the war of 1812; and, in the South, from the same peace to the day of the acquisition of the Floridas.

3d. The affray of Captain Lewis, on his return from the Pacific Ocean, refers itself to British influence. It happened with the Minnetarees of *Fort de Prairie*, a band of the Blackfeet. It took place on Maria's River, a branch of the Missouri, in that tract of country over which the Blackfeet range. It was the only attempt made upon the lives or property of Messrs. Lewis and Clark, in their adventurous expedition to the Pacific Ocean; and this attempt was made by Indians who had just issued from a British fur trading establishment on the Saskatchewan River! The inference is irresistible.

4th. Previous to the late war, the Sioux Indians, trading with the British on the Upper Mississippi, annually came across the Missouri River in the region of the Council Bluffs, waylaid American traders, robbed them, and compelled their *voyageurs* to carry the furs and peltries, thus acquired, to *Prairie du Chien*, where they were sold to British traders! In plain English, the Sioux then performed for the British, on the Lower Missouri, the service which the Blackfeet are now rendering them on the upper waters of that river. Mr. B. stated this fact upon the authority of the late Governor Lewis, and read a passage from Lewis and Clark's Journal, (vol. 2, page 442,) which confirmed it. He laid particular stress upon it, because the Sioux continued these depredations

as long as British traders continued on the Upper Mississippi, and quit them as soon as these traders, in virtue of the Ghent Treaty, were expelled from that of the territories of the United States.

5th. The declarations of the Blackfeet to Manuel Lisa. This enterprising trader penetrated to the base of the Rocky Mountains, about the year 1808. He had twenty-seven men killed, and was driven from the country. A year or two afterwards, he succeeded in gaining a friendly interview with some Blackfeet—explained his object in having come to trade with them, and expostulated with them for the massacre of his men. They told him, "it was not their fault; that the British gave them so many guns, knives, and blankets, for Americans' hair, and they could not help taking it." Mr. B. had often heard this statement from Manuel Lisa, in St. Louis, and relied upon its truth.

6th. The attack upon Immell and Jones. The massacre of these gentlemen, and five of their companions, and the loss of \$15,000 of their property, has been already stated. The circumstances attending it will show to whom we are indebted for this foul deed. Returning from the Rocky Mountains, they met, on Jefferson River, a party of thirty-eight Blackfeet. Suspicious of their treacherous hostility, the Americans stood upon their defence. An Indian then advanced with a paper in his hand. On the back was written "God save the King." The inside was a letter of recommendation to the bearer. It was headed "Mountain Post, 1823." The letter was without signature—was written on the leaf of an account book, and in the English language. A very friendly interview followed, and the parties separated with professions of friendship, and an engagement that the Blackfeet should trade with the Americans at the mouth of the Maria's River. Messrs. Immell and Jones hastened their journey, with apprehensions of treachery. They had reached the Yellow Stone in safety, and were following a trace down its bank, where high hills closing down upon the river, created a long and narrow defile, when they were fired upon by an ambuscade of three or four hundred Indians. They were Blackfeet, headed by the chief who had met them, some days before, with the letter endorsed "God save the King."

7th. The Blackfeet, Assinaboins, and Arikaras, are the only Indians west of the Mississippi hostile to the Americans. The two first trade exclusively with the British; the third has done so until within a few years past. Messrs. Graham and Pilcher both say that all the tribes which have no trade with the British are friendly to us; all those who trade with them are our enemies.—(*Document No. 56.*) The Blackfeet and Assinaboins not only trade with the British, but they are British Indians. They come from the north side of latitude 49. The latter come from the river whose name they bear, a water of Lake Winipeg; the former from the Saskatchewan River. They are placed,

SENATE.]

Indian Fur Trade.

[MARCH, 1824.]

in Sir Alexander McKenzie's map, upon the upper waters of that river, under parallels fifty-three and fifty-four of north latitude. This was their position in the year 1793, when McKenzie visited them, and when there was no inducement to give them a wrong location. By what means, then, are these Blackfeet found south of latitude 49, ranging as lords and masters over a vast district of country, and killing American citizens upon the waters of the Missouri, upon the rivers which we call Jefferson, Madison, and Gallatin? It is by virtue of British arms, and lawless violence, that they do these things. The true owners of all that country are the Sho-sho-nees, and the different bands of the Snake Indians, now hid in the caves and recesses of the Rocky Mountains. They have been driven from the land of their fathers by the superior arms of the British Indians. For want of arms they have been unable to reconquer their country. The British traders will not supply them, because it is their interest to maintain the supremacy of the Blackfeet; the Spaniards of Santa Fe refuse, on the pretext that fire arm would be dangerous to themselves, but in reality because it is their policy to keep the neighboring Indians as weak and dependent as possible. In support of these statements, Mr. BENTON read passages from pages 419, '20, '1, '2, '8, of vol. 2, of Lewis and Clark's Journal.

From these it appeared that the Sho-sho-nees and other bands of the Snakes, were the owners of the country from the base of the Rocky Mountains, and covering all the upper waters of the Yellow Stone and Missouri; that the Saskatchewan Indians, armed with guns, had invaded their country, and driven them into the mountains; that they led the most miserable life, subsisting upon roots and berries, and only venturing, by stealth, into their own country, in search of a buffalo; that the Blackfeet killed them wherever they could find them, &c.

8th. The conduct of British traders to each other. The Hudson Bay and Northwest Company, now united, were lately rivals in trade. Out of that rivalry arose a war, which continued for several years. Each endeavored to drive the other from the field of trade. Murder and robbery were the means; themselves, sometimes disguised as Indians, aided by Indians, were the instruments of execution. As an exemplification of the character of this war for the fur trade, Mr. B. read the account of the massacre of Governor Semple, of the Hudson Bay Company, in the year 1815, by the agents and "half-breeds" of the Northwest Company. He took the account as he found it in the London Quarterly Review, a work which admits no falsehood to the prejudice of the British character. The scene of the massacre was in front of Fort Douglas, at the confluence of the Assinaboin and Red Rivers, where the Earl of Selkirk, proprietor of the Hudson Bay charter, had planted a

Scotch colony, and erected a military work mounting twenty pieces of cannon, for the double object of protecting his traders and colonists. The object of Mr. BENTON in referring to this war, and showing its remorseless character, was to have the benefit of the inference that, as these companies, when rivals, endeavored, by murder and robbery, to drive each other from the fur trade, so when united, they would naturally pursue the same means to drive American citizens from the same commerce.

"The account (says the Review) given in the Montreal Herald of the 12th of October, evidently from one of the few persons who survived the massacre, is probably the true one. From this it appears, that a regular expedition was fitted out by the Northwest Company, to drive away, for the second time, the people belonging to the Hudson Bay Company, who had repossessed themselves of their establishment on Red River. Governor Semple, observing their approach, said, 'We must go and meet those people—let twenty men follow me.' They had only proceeded a few hundred yards when several colonists came running towards them in great dismay, crying out, 'The Northwest Company—the half-breeds!' Having advanced half a mile from Fort Douglas, a numerous body of cavalry appeared from behind a wood, surrounded the Governor and his people, when one Bouche, a Canadian, rode up to Mr. Semple, demanding their fort. The Governor answered, 'Go to your fort.' 'You,' retorted Bouche, 'have destroyed our fort, you damned rascal.' 'Scoundrel,' said the Governor, laying his hand upon Bouche's bridle, 'dare you call me so?' Bouche sprang from his horse, and a shot was immediately fired, by which Lieutenant Holt fell. The next shot wounded the Governor, who called out to his men, 'Do what you can to take care of yourselves; but he was so much beloved that they affectionately gathered round him to learn what injury he had suffered; when a volley of musketry was poured into the group, which killed several and wounded the greater part of them.

"The cavalry galloped towards the survivors, who took off their hats, and called for mercy. But this address for mercy was made to the servants of the Northwest Company, and at their hands was immediately received by what must be presumed the accustomed measure of their compassion—a speedy termination of earthly calamities. The knife, the axe, or the ball, in able and willing hands, soon placed in lasting repose, those whom pain or terror had rendered clamorous. Thus fell Governor Semple, a man of amiable and modest manners, and of a most humane and benevolent disposition; his private secretary, the surgeon, two officers, and fifteen settlers. Their bodies are stated to have been barbarously mangled to gratify the savage rancor of their murderers, commanded by a Mr. Cuthbert Grant, who told the survivor that, if the remainder in the fort showed the least resistance, 'neither man, woman, nor child should be spared.'—Vol. 16, 181, '2.

Upon this exposition of facts and reasons, Mr. B. submitted, that he stood fully justified in charging all the robberies and murders committed by the Blackfeet and Assinaboin Indians, to the diabolical machinations of British

MARCH, 1824.]

Indian Fur Trade.

[SENATE.]

traders. The true cause of their hostility being shown, the question is, upon the means of putting an end to these outrages, and preserving the fur trade, within the United States, to American citizens.

The bill reported by the committee, contemplates four provisions to accomplish these objects:

1. To enter into treaties of trade and friendship with the principal tribes beyond the Mississippi.

2. To locate the traders.

3. To appoint additional sub-agents to be employed upon the Upper Missouri.

4. To establish a military post at, or beyond, the Mandans.

Mr. B. showed the necessity and propriety of each of these provisions.

"1. To regulate commerce with the Indians," was a power granted to Congress by the constitution. So far as our own citizens were concerned, they could be regulated by law; but, so far as the Indians were concerned, it must be done by treaty. We have treaties with all the tribes on this side the Mississippi, and with some on the other; but none with the remote tribes, whose trade would be so valuable, and whose friendship is so desirable to us. The bill proposes an appropriation of \$10,000, to defray the expenses of holding those treaties. With those who admit the importance of the object to be accomplished, the amount of this appropriation can furnish no objection.

2. To locate the traders. This is a provision repeatedly recommended, by both United States agents and traders. It will put an end to many dissensions among the traders, and secure to the Indian the fullest and fairest market for the barter of his furs and peltries. By confining the traders to particular spots, designated by the agents, all trespasses upon Indian grounds will be effectually prevented.

3. The appointment of two sub-agents, subordinate to the principal agent, on the Upper Missouri. This measure is recommended on the score of economy, and from a conviction that the views of the Government would be better promoted, in that remote quarter, by active sub-agents, subordinate to a principal, than by several agents, independent of each other.

4. To advance a military post to the Upper Missouri. The number of troops intended for this service, is four companies. The committee have been careful to ascertain the expense of the movement. Document No. 56 will show their correspondence with the War Department, in which this number is deemed sufficient, and the expense is estimated at \$13,100. For this sum, it is computed, by the Quartermaster General, that the troops may be transported, with full supplies for one year.

Mr. BENTON held this to be the main provision of the bill. Without it, he believed, all the others would be vain and nugatory. He knew that both Houses of Congress, some years since, had decided against such an establishment, but the facts were not known then, which

are now communicated—facts which show that we must surrender the fur trade within our own limits to the Hudson Bay Company, or protect our traders by the advance of a military post. The most powerful considerations of interest, policy, and justice, require us to adopt the latter alternative. I do not use these words at random, said Mr. B., nor for the purpose of filling up and rounding off a sentence. I have regard to the facts, and to the import of language, when I say that *interest, policy, and justice*, require the American fur traders to be protected by their Government. The amount of the trade, its peculiar value, and the encouragement it gives to domestic industry, make it our interest to protect it. The official returns for the last year, show that \$675,000 of capital were invested in this trade; extend it to the Rocky Mountains, and it will be augmented to at least a million per annum, for an indefinite number of years to come. The British companies have taken furs to the value of £800,000 sterling, (about a million and a quarter of dollars,) for forty years past. The peculiar value of this trade should make it an object of national attention. Our hat manufactories furnish fourteen millions of dollars' worth of hats per annum. Fur is the chief material used in this great manufactory, and the districts of country from which it has been heretofore obtained, are rapidly exhausting. None of the fine furs can now be taken east of the Mississippi. Beyond that river, as far out as the meridian of the Mandan villages, the country is one continued plain, a succession of open prairies, destitute of shelter for furred animals, even in the period of gestation. It is from this district, and from the British traders, that the hat manufactories of the United States are now supplied. But how long will this supply continue? Certainly, it must cease in a few years, and, unless our traders are protected in penetrating the rich and exhaustless fur region of the Rocky Mountains, our own manufactories must quit work, and a vast sum must go to England annually, to purchase hats made of the fur which is taken from the territories of the United States.

Besides the magnitude of the trade, and its peculiar value, it has other claims upon the attention of the nation, from the encouragement it will give to home industry. In England the fur companies are cherished by the Parliament, because they employ in their trade annually fifty thousand pounds sterling, (\$240,000,) of British manufactured goods. Every article which enters into this trade, and the raw material of which it is made, is the product of our own country. Coarse cottons, woollens, hardware, powder, lead, tobacco, are the chief articles of this trade. Mr. Pilcher, himself a fur trader, states, that all these articles can be as well manufactured in the United States as in England. The British patterns, which have been adapted to the taste and wants of the Indians, are alone to be followed. No superior

or peculiar workmanship is required. Mr. B. appealed to the Senate to say, if, in this point of view, as the annual consumer of a vast amount of home manufactures, made of home materials, the fur trade was not entitled to the protection of the Government?

Our policy unites itself with our interest. Policy requires us to preserve the trade of the Indians, as the only means of preserving their friendship. Their traders rule them. They did so under the Colonial Government, when French traders led the attack upon the forts and settlements of the colonists. They have done so ever since; the British trader succeeding to the French, and leading the same Indians to the slaughter of Americans. At this moment, every tribe beyond the Mississippi, which trades with Americans, is friendly; every tribe which trades with the British, is at war with us! Justice requires this protection to the West. Atlantic commerce is protected by ships of war in every sea, by Ambassadors at every Court, by a chain of lighthouses, illuminated at the annual expense of \$145,000, to light the returning cargo into port. Shall the West, then, solicit in vain for a little post, a handful of men, and a few miserable dollars, to protect the lives of her citizens, upon the soil of their country, engaged in the prosecution of a trade of indispensable value to the whole Union? If any one resists this appeal, said Mr. B., I ask him if it is not right to be just before we are generous? To take care of our own household, before we go forth in quest of foreign adventures? We have a colony of deported negroes, upon the coast of Africa. We vote fifty thousand dollars annually, and send out a ship of war for their protection. Last year they were attacked by their fellow-countrymen, and seven of their number killed and wounded. The agent of the establishment called on Capt. Spence, of the United States ship Cyane, to land his crew and build them "a permanent and powerful fortification." It was done. A martello tower of strong mason work was immediately constructed, and the public journals resounded with applause. At this very session, within a few days past, we have repeated our vote of fifty thousand dollars, for this charitable enterprise on the coast of Africa. Yet the West asks for thirty thousand dollars only for the protection of her trade and citizens; and shall it be denied?

When Mr. B. had concluded—

Mr. LOWRIE expressed some doubts as to the propriety of the fifth section of this bill. He considered the remarks of the gentleman from Missouri, on this subject, as very valuable—several new points had been stated by that gentleman. He had entertained an unfavorable impression of the conduct of the Americans, in relation to the Indian tribes which had been spoken of, from the documents communicated by the President. He wished a few days delay, in order again to examine the documents to which he had alluded.

Mr. BENTON said that delay in the considera-

tion of the bill would be destruction to it. It was of the greatest importance that it should be acted upon immediately. He thought there could be no occasion for delay. He answered some objections made by Mr. LOWRIE to the fifth section. The bill constituted a complete system, and he would be unwilling to relinquish any section of it.

Mr. CHANDLER remarked that he was not as well informed on this subject as the gentleman from Missouri had shown himself to be; and he, therefore, wished for further time to examine it. He moved the postponement of the bill until Wednesday next.

Messrs. HOLMES of Maine, and JOHNSON of Kentucky, made a few remarks on the subject. The bill was then postponed to, and made the order of the day, for Wednesday next.

And, on motion, the Senate adjourned until to-morrow.

TUESDAY, March 30.

Claims against the United States.

The bill "providing for the settlement of certain pecuniary claims against the United States," was taken up for consideration in Committee of the Whole. This bill was introduced, on leave granted, by Mr. TAYLOR, of Virginia, and reported with sundry amendments, by the Committee on the Judiciary. These amendments were in the details of the bill. Some remarks were made upon them, by Messrs. CHANDLER, TAYLOR of Virginia, LOWRIE, and BARBOUR. They were then agreed to. The bill provides a tribunal for the adjustment of that class of private claims, upon which so much of the time of Congress has been consumed. Mr. HOLMES of Maine, proposed to amend the bill by limiting its operation to claims of a certain amount. Messrs. H. JOHNSON of Louisiana, and TAYLOR of Virginia, spoke upon this amendment, and it was then agreed to. Mr. MILLS submitted an amendment, limiting the provisions of the bill to citizens of the United States. This was also agreed to.

The bill was then reported to the Senate, as amended. The amendments were agreed to, in Senate, and, on motion of Mr. TAYLOR of Virginia, the bill was laid on the table.

WEDNESDAY, March 31.

Indian Fur Trade.

On motion of Mr. BENTON, the bill "to enable the President to carry into effect the treaty made at Ghent, the 24th of December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States to American citizens," was again taken up for consideration in Committee of the Whole.

Mr. DICKERSON addressed the Chair. He said he did not rise to offer any amendments to the bill; but to call the attention of the Senate

MARCH, 1824.]

Indian Fur Trade.

[SENATE.]

to the extent of one of its provisions; which he had not perceived till he heard the argument of the gentleman from Missouri (Mr. Benton) yesterday. When he heard the title of the bill, to carry into effect the Treaty of Ghent, he had not conceived that one, if not the chief object of it was, to authorize the transportation of a part of our army to some point on the Missouri—as high as the falls of that river. He was at a loss to know what article of the Treaty of Ghent was to be carried into effect by this provision of the bill—it could only apply to the ninth article, which required that we should put an end to hostilities with all the Indian tribes, or nations, with whom we were at war, and forthwith restore to such tribes, or nations, respectively, all the possessions, rights, or privileges, which they may have enjoyed, or been entitled to, in the year 1811, previous to such hostilities. Similar conditions were required of the British Government. As it is our own part of the treaty only which we are to carry into effect, this bill cannot be intended to carry into effect the treaty on the part of the British; that must be left for them to provide for. How this bill is to produce the effect indicated by its title, has not yet been explained.

It is intended by this bill to authorize the President of the United States to send an armed force, of four companies at least, to some point upon the Upper Missouri, as high as the falls of that river; which is about 800 miles above the Yellow Stone, which is 900 miles above Council Bluffs, which is 650 miles above the mouth of Missouri—in all, 2,350 miles above the mouth of the Missouri—and this for the avowed purpose of protecting traders, but which would operate as a protection to the hunters and trappers upon the Indian territories.

It will not be pretended, that moving troops up the Missouri can be necessary for the protection of our frontiers. Council Bluffs, where we have a military establishment, is three hundred miles in advance of the western boundary of the State of Missouri.

The object cannot be to make preparations for extending our population to the Upper Missouri, for, thank Heaven, that country does not admit of a white population. In the account of Major Long's expedition from Pittsburg to the Rocky Mountains, we have a particular account of the vast country lying between the meridian of the Council Bluffs and the Rocky Mountains. Vol 2, page 350:

"Proceeding westward from the meridian above specified, the hilly country gradually subsides, giving place to a region of vast extent, spreading towards the North and South, and presenting an undulating surface, with nothing to limit or variegate the view, but here and there a hill, knob, or insulated tract of table land. At length, the Rocky Mountains break upon the view, towering abruptly from the plains, and mingling their snow-capped summits with the clouds."

"On approaching the mountains, no other change is observable in the general aspect of the country,

except that the isolated knobs and table lands, above alluded to, become more frequent, and more distinctly marked. The bluffs, by which the valleys of water-courses are bounded, present a greater abundance of rocks; stones lie in greater profusion upon the surface, and the soil becomes more sterile. If to the characteristics above intimated, we add that of an almost complete destitution of woodland, (for not more than one-thousandth part of the section can be said to possess a timber growth,) we shall have a pretty correct idea of the general aspect of the country."

Page 452.—"Throughout this section of country, the surface is occasionally characterized by water-worn pebbles, and gravel of granite, gneiss, and quartz; but the predominate characteristic is sand, which, in many instances, prevails almost to the entire exclusion of vegetable mould. Large tracts are often to be met with, exhibiting scarcely a trace of vegetation. The whole region, as before hinted, is almost entirely destitute of a timber growth of any description. In some few instances, however, sandy knobs and ridges make their appearance, thickly covered with red cedars, of a dwarfish growth. There are also some few tracts, clad in a growth of pitch pine and scrubby oaks; but, in general, nothing of vegetation appears upon the uplands, but withered grass of stunted growth, no more than two or three inches high, prickly pears profusely covering extensive tracts, and weeds of a few varieties, which, like the prickly pears, seem to thrive best in the most arid and sterile soils."

Page 361.—"In regard to this extensive section of country, we do not hesitate in giving the opinion, that it is almost wholly unfit for cultivation; and, of course, uninhabitable by a people depending upon agriculture for subsistence. Although tracts of fertile land, considerably extensive, are occasionally to be met with, yet the scarcity of wood and water, almost uniformly prevalent, will prove an insuperable obstacle in the way of settling the country. This objection rests not only against the immediate section under consideration, but applies with equal propriety to a much larger portion of the country. Agreeably to the best intelligence that can be had, concerning the country both northward and southward of the section, and especially to the inferences deducible from the account given by Lewis and Clark, of the country situated between the Missouri and the Rocky Mountains, above the River Platte, the vast region commencing near the sources of the Sabine, Trinity, Brazos, and Colorado, and extending northwardly to the 49th degree of North latitude, by which the United States territory is limited in that direction, is, throughout, of a similar character. The whole of this region seems peculiarly adapted as a range for buffaloes, wild goats, and other wild game, incalculable multitudes of which find ample pasturage and subsistence upon it."

"This region, however, viewed as a frontier, may prove of infinite importance to the United States, inasmuch as it is calculated to serve as a barrier to prevent too great an extension of our population westward, and secure us against the machinations or incursions of an enemy, that might be disposed to annoy us in that quarter."

There is no part of the valuable work before me, said Mr. D., which has given me so much pleasure as that which I have just read. It is a melancholy truth, that the aborigines of this

continent must and will be exterminated from every section of the country in which agriculture can be followed with success. Such has been, such must be their fate! But here seemed to be a region, in which a remnant of the innumerable tribes that once traversed our forests, might find a habitation, safe from the overwhelming flood of white population which would otherwise drive them from the face of the earth. But even this last refuge is to fail them, if our hunters and trappers are to be supported by an armed force, while they utterly destroy the beaver and buffalo of this vast region.

It is intended to send four companies to the Upper Missouri. Mr. D. said he was informed by a gentleman of great military experience, and well acquainted with that country, that four companies would be altogether inadequate to the purpose intended; that they would be easily cut off by the Indians; that it would not be safe to send a smaller force than two or three regiments—and if these should be stationed as high up as the Falls of Missouri, it would require several regiments more to be stationed at different points on the river, otherwise, all supplies would be cut off, and our forces would perish for want of subsistence. Our troops on the Upper Missouri must depend almost entirely upon supplies from our settlements at and below Council Bluffs. Neither grain nor cattle can be procured in those sterile regions. Even turnips cannot be raised among the rocks and sand of the region in latitude forty-eight. General Gaines states, that, within our Western boundaries, there are thirty thousand warriors. They are, probably, overrated; but, no doubt, they are sufficiently strong to destroy any force which it has been proposed to send among them.

But the most exceptionable part of the bill is, not the protection of the fur traders, which is intended, but the protection of the hunters and trappers, which will be effected. These military posts multiply the points of collision with the Indian tribes, and must lead to wars with them. The hunters and trappers will be, and ought to be, resisted by them. Their rights to their buffalo, their beaver, and their game, are as sacred as our rights to our property. It would be as just in them to invade our territories and take off our cattle, as it would be, on our part, to take and destroy their beaver, and much less cruel. For, if our cattle are taken away, we soon raise more—not so with the beaver—once destroyed, or driven from a region, they appear there no more. Taking away their buffalo, their beaver, and their game, is striking at their very existence; they look with terror upon these hunters and trappers, as the instruments of their extermination. Can they be blamed for resisting them? And yet, when they do, it becomes necessary to chastise and subdue them; although it may be against the laws of humanity, the circumstances of the country require it. But every principle of justice and humanity requires that we should avoid and prevent the causes of provocation. Have

there been no circumstances of aggression, which have provoked the late hostilities of the Indians? The facts before us will not warrant an answer in the negative.

General Ashley and Major Henry had a license to trade with the Indians. The laws prohibit their trapping and hunting in the Indian territories. To take with them a company of hunters and trappers among the Indians, against their will, was itself an act of aggression and hostility. General Ashley traded with the Arikaras for fifty or sixty horses, without a special license for that purpose. These were not necessary for the usual purposes of trade. His party consisted of ninety men—a much larger number than was necessary for the purposes of Indian trade; but not more than was necessary for the purpose of hunting and trapping. The Arikaras could not doubt but this expedition was fitted out for the purpose of hunting and trapping. Two of the Arikaras had been killed in an affray with the Missouri Fur Company; one of them, a son of a principal chief of the tribe, which, notwithstanding their professions to the contrary, they had not forgotten. They treacherously attacked General Ashley's party, and killed fourteen, and wounded nine of his men, for which they have been severely and justly chastised.

It is said, these Indians sell their furs to the British traders. If so, it must be because those traders treat them more kindly than ours, give them a better price for their furs and peltries, and sell them goods at a cheaper rate. The Indians understand their interests as well as their rights, and when they can carry on their commerce with our traders with as much advantage as with the British, ours will be preferred. The British traders do not hunt or trap upon the Indian territories, within their boundaries. They gain the confidence of the Indians by acts of kindness, which ours ought to do, but which they never will do, while they rely upon an armed force to enable them to impose their own conditions upon the Indians.

We are told that the British traders come within our boundaries to trade with the Indians. If so, the means are sufficient, under our present laws, for their expulsion. We are also told that there is an armed force at Fort Douglas, on Moose River, within our boundaries. If there is such a force established there, under the Government of Great Britain, it ought to be made a matter of complaint against that Government. A remedy ought to be sought by negotiation.

Mr. BENTON replied. He imputed the remarks made by the Senator from New Jersey to his want of information upon the subject. He stated that the title of the bill had reference to the effect of the whole Treaty of Ghent, because that treaty did not revive the 8d article of Mr. Jay's treaty. In this respect alone, the Ghent treaty was worth, to the Western States, all the blood and treasure which the late war had cost them. But how was it to be executed

MARCH, 1824.]

Indian Fur Trade.

[SENATE.]

against British traders? The President, as executor of the laws, was bound to carry the treaty into effect. How? By going to the Northwestern frontier in person to keep out Englishmen? No, sir; but by sending troops: and this is what the bill proposes, and what has been intended by two successive Administrations.

The Senator from New Jersey has read from Major Long's Journal, to show that the country beyond the Mandan villages was barren, sterile, and unfit for cultivation. Without opposing other authority to this description of the country, Mr. B. would ask for the application of the fact, taking it to be as stated by Major Long; was it an argument against the bill? Not at all. To the contrary, it was in favor of it: for it was not the intention of the bill to send out an agricultural colony, but a military post, to protect the fur trade; and, the more uninhabitable, inaccessible, and mountainous the country, the better it was for the furred animals, and the better theatre it presented for the trader.

The Senator objects to sending a post to the Falls of Missouri. Well: the bill does not name the Falls, or any other point. It leaves it to the President to station the troops at such point on the Upper Missouri, as will accomplish the objects intended. It would be wrong to name a precise point in the bill. Congress have their duties assigned them by the constitution; and the President has his, prescribed by the same high authority. It is the business of Congress to vote the troops and the supplies; it is the right of the President to employ them where the public service may require their presence. The mouth of the Yellow Stone River will probably be the point. That name has become unpopular; but, in exciting public odium against it, it may be well to look to the origin of its selection. It was selected by Lewis and Clark, on their return from the Pacific Ocean, as the proper point for commanding the rich fur trade of the Rocky Mountains. It was approved by the Administration in the year 1815, Mr. Madison being President, and Mr. Monroe Secretary of War. Recollection of these facts will show that gentlemen miss the mark when they condemn those who now endeavor to carry a post to the mouth of the Yellow Stone. But the distance is still objected to. Eighteen hundred miles beyond the Mississippi makes, indeed, an appalling sound. But that is by water, following the bends of the river. The Rocky Mountains are but nine hundred miles from the Mississippi; and a post at the Yellow Stone will be within supporting distances of the Falls of St. Anthony and the Council Bluffs. The smallness of the amount required for the transport of the troops is objected to; doubtless the objection would also come if the amount was large. But the accuracy of the estimate is disputed. Thirteen thousand dollars is said to be too little for the object. I answer, that the estimate is made by

the Quartermaster General, upon the basis that the troops will move in their own boats. It is supported by the fact that the expedition of Colonel Leavenworth cost but \$4,000. Every one acquainted with the movement of troops upon the Western rivers in their own boats, can bear witness to the smallness of the sums required for such expeditions. But it is said that the troops cannot be sustained after they are carried to the post. Such a statement derogates from the power of this Government. Look to the British companies. They have upwards of three thousand men in their service, stretched across the continent, from the frontiers of Canada to the mouth of the Columbia River, occupying a line of posts farther north than the mouth of the Yellow Stone, in a climate more inhospitable than on the banks of the Missouri, and without the advantage of a direct communication by water, either with each other, or with the settlements in Canada. Yet these three thousand men are sustained; some of the posts they occupy have been kept up for forty years; all this has been done by a company of fur traders; and shall it be admitted that the power of the United States is inadequate to the support of four companies upon the Upper Missouri? But why object to a distance of one thousand eight hundred miles—to an expense of \$13,000, when we send a ship of war annually to the coast of Africa, three thousand miles, and vote \$50,000 per annum to protect our deported negroes from the depredations of their fellow-countrymen? Gentlemen suppose that an exhibition of force is not necessary among these Indians. They labor under a great mistake. The savage respects power, and nothing else. The Arab of the desert, and the Blackfoot of the Saskatchewan, act upon the same principle. Each considers the merchant and the traveller as his lawful prey, and they kill and rob him if they can.

Mr. DICKERSON conceived it his duty to answer to some part of the remarks that had just been made. He was not the eulogist of the British traders, or British fur companies. He had said, that, if the Indians prefer trading with them, it is because their confidence is gained by kind treatment and fair dealing. As to the hostile views of those traders and companies towards us, he had said not one word. He had not attempted to justify them. As to the quarrels between the rival British fur companies, they are of no importance to us. If they make war upon each other, it is their concern, not ours. If they murdered Governor Semple, that was no act of hostility towards the United States, nor towards the Indians. It has no bearing upon the subject before the Senate.

I do not think the killing of the two American Indians has been satisfactorily accounted for. Surely they were not killed because there had been hostility between Governor Lewis and some of the tribes of Indians, or because it had been necessary to smuggle a Mandan chief

SENATE.]

Indian Fur Trade.

[MARCH, 1854.]

around the Ricara villages, fifteen or sixteen years ago; or because twelve men had been killed, under Lisa, long since. It is probable they were killed in some attack which they were rash enough to make on the trappers and hunters of the Missouri Fur Company. The Ricaras probably thought that their young men were justifiable; and, although they professed to have forgotten and forgiven the supposed injury, it is very evident they had done neither.

Information of the circumstances which I have stated, to show that General Ashley and his company, as well as the Missouri Fur Company, were engaged in trapping and hunting in the Indian territories, was not derived from the letter from the West, published in all our papers, and which the gentleman from Missouri asserts was a tissue of falsehoods. It was derived from a source entitled to the highest respect. It was derived from the documents transmitted to us by the President of the United States, with his message of the 2d of December last. The part respecting General Ashley, is in a letter of General Atkinson, page 88, of those documents—and the part respecting the Missouri Fur Company, in page 71, of those documents; in a letter from William Gordon, upon whom the gentleman from Missouri has pronounced the highest eulogium. What was said of the interference of the Missouri Fur Company, to prevent a peace with the Ricaras, and of the burning their towns, by this same Mr. Gordon, and a Mr. McDonald, may be found in the same document, page 95.

The system of intercourse with the Indian tribes lately pursued is radically wrong. The British trading and fur companies are not supported by the armed force of the British Government; they have no means of insuring success but by treating the Indians kindly, and dealing with them fairly. When our traders do the same, they will meet with equal success.

Mr. SMITH spoke in favor of allowing more time for investigation and inquiry, and was opposed to the passage of the bill at the present time.

Mr. KING, of New York, said, he believed, if we intended to invade the country of the Indians with a military force, we ought to hold a treaty with them, and obtain their consent to the measure. We had no right to do it without their consent. He requested the gentleman from Missouri to give him some information upon this subject. He wished to know, also, if the Indian tribes had not a right to conquer and occupy each other's territory. If the tribe of Blackfeet had come from Canada, and conquered and taken possession of the country of another tribe, he wished to know what right the United States had to interfere in the business. He wished to be informed, too, whether we have any right to prevent those Indians from going where they choose—into Canada, or elsewhere—to trade for their furs. These were important questions upon these points—and Mr. K. said he believed there had never been

any correct understanding on the subject. He presumed there was no distinct law respecting it. These Indian tribes do not come within our jurisdiction; our laws do not control them—even when they commit murders, they are not amenable to our laws. It has always been the practice of the Indians to go from one country to another; it is their habit to wander over the wilderness from place to place. Mr. K. said he wished to see the *principle* by which we were going to make provisions like those contained in this bill. We must make some treaty with the Indians before we can do it. Can we send a military force into their territory without their consent? Mr. K. believed we had never yet done it. We have power to make arrangements with them for the security of our trade with them—but this bill does more—it goes to restrain their trade, and exclude all others from it but ourselves. Mr. K. said he would agree to all the other provisions of the bill, but that which provided for the sending of troops into the Indian countries. He must know more about it before he would consent to that. He had merely suggested these ideas, to call forth further information on the preliminary ground, as to our right to take the course proposed in the bill. He wished, also, to know what prohibitions were to be introduced, to regulate our trade with the Indians.

Mr. BENTON rose to answer the questions proposed to him by the Senator from New York. It had been the practice of the Government to establish military posts in the Indian country without their consent. The practice had obtained under every Administration. All the frontier States and Territories were full of examples. Without going into an enumeration of instances, which might be forgotten and disputed, he would state one, known to us all, sanctioned by us all, and up to the point of the gentleman's inquiry—he alluded to the post at the Council Bluffs. It was established four years ago, under the orders of the President, and had secured the annual sanction of both Houses of Congress, in annual appropriations to its support. Yet this post was established upon Indian territory, without their consent, and is maintained without it. Further, Mr. B. said, the Senate, in its capacity of adviser to the President, in his treaty-making power, had decided the same question. He spoke of the Senate's refusal to ratify the treaty made to extinguish the Indian title to fifteen square miles of territory to include the fort and fields at the Council Bluffs. The injunction of secrecy had been removed from the Senate's proceedings upon that treaty. The Journal would show that the distinguished Senator from New York had voted against its ratification. His own high authority might, therefore, be quoted against himself, in answer to the first question which he had put. In addition to all this may be quoted the provisions of the act of 1802. It is our code of Indian laws, enacted under the

MARCH, 1824.]

Indian Fur Trade.

[SENATE.]

Administration of Mr. Jefferson, and turns, in every clause, upon the assertion of the principle that the Indians are not independent nations; that our jurisdiction extends over their soil, and over their acts; and that our troops may be sent into their country, without their consent, as often as our policy requires it to be done.

The second interrogatory put by the Senator from New York, related to our right to interfere in the affairs of the Indians "among themselves." Mr. B. said that there was no part of the bill, under discussion, which asserted such a right, or proposed to exercise it. He, therefore, claimed the indulgence of the gentleman from New York, in declining to answer a question not relevant to the matter in hand.

The third interrogatory inquired for the terms, prohibitions, and regulations, proposed to be put into the projected treaties. Here again, Mr. B. adverted to the separation of power between the Congress and the Executive. We vote the appropriation for defraying the expense of holding the treaties; the President conducts the negotiations. If treaties are made, the Senate's power over their stipulations then commences. It can refuse to ratify, if it disapproves. The bill on the table was sufficiently indicative of the object of the treaties, by the description of "trade and friendship." All the rest is given, by the constitution, to the Executive authority.

Mr. KING, of New York, dissented entirely from the observations made by the gentleman from Missouri. He (Mr. K.) did not believe there was any authority whatever, for placing a military force in the Indian country, in a time of peace. In his opinion, we had no right to do it. He had never voted for carrying troops there. The treaty to which the gentleman alluded, was rejected upon other grounds. If we are at war with the Indians, Mr. K. said, it would be different; but, while we remain at peace with them, we have no right to adopt such a measure.

Mr. HOLMES, of Maine, said he must confess he was somewhat ignorant of this subject. Members could not be supposed to be able to inquire into, and inform themselves upon every subject, before it came up for discussion. He believed his honorable friend from New Jersey did not deserve the censure bestowed upon him by the gentleman from Missouri. It was not wonderful that he was not as well acquainted with the subject as that gentleman. If it had been a bill respecting the cod or mackerel fishery, Mr. H. apprehended that the gentleman from Missouri himself would not have understood the business so well as he appeared to at present. Mr. H. was apprehensive that the whole story was not told. Every thing that was said, in relation to our affairs with the Indians, was on one side. The poor Indian has no one here to speak for him. There is nobody to tell us when the United States are wrong, and the Indians are right. The gentleman from New Jersey has produced some official

facts on the subject, which remain yet unanswered. Mr. H. believed the transactions of General Ashley were not altogether right on his part. He said he was in favor of the indefinite postponement of this bill; but, as gentlemen seemed to prefer that it should lie on the table, he would not propose its postponement. He understood the object of the bill to be, to protect our trade with the Northwestern Indians, by a military force. This subject had been once fully discussed and settled; if not in this House of Congress, it had in the other, when the Yellow Stone Expedition was under consideration. It was then settled. The principle agreed upon was, that protection should be furnished to our actual settlements, by posting troops in advance of them; but that the traders who were in advance of those posts should be left to protect themselves. He would say one word on the subject of advancing a military force into the Indian country without their consent. While we recognize them as sovereign powers, and treat with them, we have no right to do it. We certainly ought not to carry a military force among them, while we admit their competency to make treaties. As long as we allow them that right, we ought to respect them. If we have a right to take one acre of their land, for the establishment of a military post, we have a right to take ten, twenty, or thirty acres; and we may thus take their whole territory. Have we a right to exercise this power so long as we acknowledge their right to treat with us? Mr. H. adverted to the treaty made at the Council Bluffs, which had been spoken of. He said that treaty neither asserted nor denied our right to establish military posts in the Indian territory. The treaty was rejected, because it was not made by the lawful authority. It had no bearing on this question. He would either make no treaties with the Indians, or he would use them as we do other nations, with whom we treat. How would any European nation like it, if we were to march a military force into their country? If we admit their right to treat, we have no right to advance a military force into their country, in time of peace. It had been our policy to restrict our forces to a certain distance beyond the actual settlements. Mr. H. had no faith in the economy with which the gentleman from Missouri had supposed this transaction would be completed. If we establish this post, we shall have an estimate from the Secretary of War, the next year, for additional appropriations for its support. He (Mr. H.) was not inclined to trust entirely to the statement of the expense, which had already been furnished. Intermediate posts would be required, for the support of this. It would require at least two regiments of troops. This would take too large a proportion from our small Army. When these objections were taken into consideration, he trusted the bill would be rejected.

Mr. BARRON then offered a new section, by way of amendment, as a substitute for the third

section of the bill. The amendment was ordered to be printed; the bill was laid upon the table.

And, on motion, the Senate adjourned until to-morrow.

THURSDAY, April 1.

Indian Reservations in Georgia.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES :

To the Senate of the United States :

I transmit to Congress certain papers enumerated in a report from the Secretary of War, relating to the compact between the United States and the State of Georgia, entered into in 1802, whereby the latter ceded to the former a portion of the territory then within its limits, on the conditions therein specified. By the 4th article of that compact, it was stipulated that the United States should, at their own expense, extinguish, for the use of Georgia, the Indian title to all the lands within the State, as soon as it might be done peaceably and on reasonable conditions. These papers show the measures adopted by the Executive of the United States, in fulfilment of the several conditions of the compact, from its date to the present time, and particularly the negotiations and treaties with the Indian tribes for the extinguishment of their title, with an estimate of the number of acres purchased, and sums paid for the lands they acquired. They show, also, the state in which this interesting concern now rests with the Cherokees, one of the tribes within the State, and the inability of the Executive to make any further movement with this tribe, without the special sanction of Congress.

I have full confidence that my predecessors exerted their best endeavors to execute this compact in all its parts, of which, indeed, the sums paid, and the lands acquired during their respective terms, in fulfilment of its several stipulations, are a full proof. I have also been animated, since I came into this office, with the same zeal, from an anxious desire to meet the wishes of the State, and in the hope that, by the establishment of these tribes beyond the Mississippi, their improvement in civilization, their security, and happiness, would be promoted. By the paper bearing date on the 30th of January last, which was communicated to the Chiefs of the Cherokee nation in this city, who came to protest against any further appropriations of money for holding treaties with them, the obligation imposed on the United States, by the compact with Georgia, to extinguish the Indian title to the right of soil within the State, and the incompatibility with our system, of their existence as a distinct community within any State, were pressed with the utmost earnestness. It was proposed to them, at the same time, to procure and convey to them territory beyond the Mississippi, in exchange for that which they hold within the limits of Georgia, or to pay them for it its value in money. To this proposal, their answer, which bears date 11th of February following, gives an unqualified refusal. By this it is manifest that, at the present time, and in their present temper, they can be removed only by force, to which, should it be deemed proper, the power of the Executive is incompetent.

I have no hesitation, however, to declare it as my opinion, that the Indian title was not affected in the slightest circumstance by the compact with Georgia,

and that there is no obligation on the United States to remove the Indians by force. The express stipulation of the compact, that their title should be extinguished at the expense of the United States, when it may be done peaceably and on reasonable conditions, is a full proof that it was the clear and distinct understanding of both parties to it, that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents. An attempt to remove them by force would, in my opinion, be unjust. In the future measures to be adopted in regard to the Indians within our limits, and in consequence, within the limits of any State, the United States have duties to perform, and a character to sustain, to which they ought not to be indifferent. At an early period, their improvement in the arts of civilized life was made an object with the Government, and that has since been persevered in. This policy was dictated by motives of humanity to the aborigines of the country, and under a firm conviction that the right to adopt and pursue it was equally applicable to all the tribes within our limits.

My impression is equally strong that it would promote essentially the security and happiness of the tribes within our limits, if they could be prevailed on to retire west and north of our States and Territories, on lands to be procured for them by the United States, in exchange for those on which they now reside. Surrounded as they are, and pressed as they will be, on every side, by the white population, it will be difficult, if not impossible, for them, with their kind of Government, to sustain order among them. Their interior will be exposed to frequent disturbances, to remedy which, the interposition of the United States will be indispensable, and thus their Government will gradually lose its authority, until it is annihilated. In this process, the moral character of the tribes will also be lost, since the change will be too rapid to admit their improvement in civilization, to enable them to institute and sustain a Government founded on our principles, if such a change were compatible either with the compact with Georgia, or with our general system, or to become members of a State, should any State be willing to adopt them in such numbers, regarding the good order, peace, and tranquillity, of such State. But all these evils may be avoided, if these tribes will consent to remove beyond the limits of our present States and Territories. Lands equally good, and perhaps more fertile, may be procured for them in those quarters; the relations between the United States and such Indians would still be the same. Considerations of humanity and benevolence, which have now great weight, would operate, in that event, with an augmented force; since we should feel sensibly the obligation imposed on us by the accommodation which they thereby afforded us. Placed at ease, as the United States would then be, the improvement of those tribes in civilization, and in all the arts and usages of civilized life, would become the part of a general system, which might be adopted on great consideration, and in which every portion of our Union would then take an equal interest. These views have steadily been pursued by the Executive, and the moneys which have been placed at its disposal, have been so applied, in the manner best calculated, according to its judgment, to produce this desirable result, as will appear by the documents which accompany the report of the Secretary of War.

I submit this subject to the consideration of Con-

APRIL, 1824.]

Indian Reservations in Georgia.

[SENATE.]

gress, under a high sense of its importance, and of the propriety of an early decision on it. This compact gives a claim to the State, which ought to be executed, in all its conditions, with perfect good faith. In doing this, however, it is the duty of the United States to regard its strict import, and to make no sacrifice of their interest, not called for by the compact, nor contemplated by either of the parties, when it was entered into, nor to commit any breach of right or of humanity in regard to the Indians, repugnant to the judgment, and revolting to the feelings, of the whole American people. I submit the subject to your consideration, in full confidence that you will duly weigh the obligations of the compact with Georgia, its import in all its parts, and the extent to which the United States are bound to go, under it. I submit it with equal confidence, that you will also weigh the nature of the Indian title to the territory within the limits of any State, with the stipulations in the several treaties with this tribe, respecting territory held by it within the State of Georgia, and decide whether any measure, on the part of Congress, is called for at the present time, and what such measure shall be, if any is deemed expedient.

JAMES MONROE.

WASHINGTON, March 29, 1824.

WAR DEPARTMENT, March 29, 1824.

SIR: In obedience to your order, directing me to furnish a statement of the facts and circumstances connected with the execution of the fourth article of the convention between the United States and Georgia, of the second of April, 1802, in which the former stipulates "to extinguish, at their own expense, for the use of Georgia, as early as the same can be peaceably obtained, upon reasonable terms, the Indian title to the lands lying within the limits of that State," I have the honor to make the following report:

By the convention above referred to, Georgia ceded to the United States all the lands lying south of the State of Tennessee, and west of the Chatahoochee River, and a line drawn from the mouth of the Uchee Creek direct to the Niccojak, on the Tennessee River. In consideration of this cession, the United States stipulated to pay the State of Georgia \$1,250,000, and obligated themselves, in the manner above stated, to extinguish the Indian title within the limits of the State. The convention also provides for the adjustment of the Yazoo claims, which were afterwards provided for by the act of Congress, approved March 31, 1814.

At the date of the convention, the Indians owned, within the limits of Georgia, 25,980,000 acres, of which 19,578,890 acres belonged to the Creeks, and 7,152,110 acres to the Cherokees, which tribes owned, besides, a considerable extent of country in the States of Alabama, Tennessee, and North Carolina. Between both of those tribes and the United States there were subsisting treaties, at the time of the date of the convention, which, among other things, fixed the limits of their respective territories, and guaranteed to them the lands within those limits. (See 1st vol. United States Laws—treaty with the Creek Indians, p. 861, art. 5. Treaty with the Creeks, ratified 7th August, 1790. Same, page 827, treaty of Holston, 1791, art. 7. Same, page 883, treaty of 1798, near Tellico, articles 1 and 2.)

In fulfillment of the stipulation of the fourth article with Georgia, there have been held seven treaties

with the Creeks and Cherokees; of which five were with the former; two of which were previous to the late war with Great Britain, in 1812, and three since. By the two preceding the declaration of war, there were ceded to Georgia 2,713,890 acres, and by the three latter, 11,735,590 acres, making together 14,448,690 acres. With the Cherokees, there have been held two treaties, both since the late war, by which Georgia has acquired 995,810 acres, which, added to that acquired by treaties with the Creek nation, make 15,744,000 acres, that have been ceded to Georgia since the date of the convention, in fulfillment of its stipulations.

In acquiring these cessions for the State of Georgia, the United States have expended \$958,954 90; to which should be added, the value of 995,810 acres, which were given in exchange with the Cherokees, on the Arkansas River, for a quantity ceded by the Cherokees to Georgia, by the treaties of 1817 and 1819, which lands, estimated at the minimum price of the public lands, would make \$1,244,147 50. If to these we add the sum of \$1,250,000 paid to Georgia under the convention, and \$4,282,151 12½, paid to the Yazoo claimants, it will be found that the United States have already paid, under the convention, \$7,735,243 52½, which does not include any portion of the expense of the Creek war, by which upwards of seven millions of acres were acquired to the State of Georgia.

The United States have ever been solicitous to fulfil, at the earliest period, the obligation of the convention, by the extinguishment of the Indian titles within the limits of Georgia; a most satisfactory proof of which may be found in the number of treaties which have been held for that purpose, the quantity of lands which have been acquired, and the price paid. In fact, such has been the solicitude of the Government, that but little regard has been had to the price, whenever it has been found possible to obtain a cession of lands to the State. The price given has far exceeded that which has ever been given in other purchases from the Indians.

I feel satisfied that it may be asserted, with confidence, that no opportunity of extinguishing the Indian titles, "on reasonable terms," has been neglected to be embraced by the United States.

It may be proper to notice, more particularly, the treaty of Fort Jackson, of 1814, with the Creek Indians; and those of 1817 and 1819, with the Cherokees, as, under those treaties, lands were ceded, not only within the limits of Georgia, but also in the neighboring States of Alabama, Tennessee, and North Carolina, which may require some explanation.

It may be proper to premise, that, previous to the late war, the four most powerful and numerous tribes of Indians, the Creeks, Cherokees, Chickasaws, and Choctaws, lay contiguous to one another, and were situated on the weakest portion of our frontier. They contained, at the period referred to, a population of between sixty and seventy thousand, and could raise at least 15,000 warriors. During the late war with Great Britain, great anxiety was felt in relation to those numerous and powerful tribes, and, although all, except the Creeks, remained at peace, it is believed there was a strong tendency towards hostility among some of the other tribes. The Creeks commenced hostility at a critical period of the war, and created a powerful diversion of our resources, both of men and money; but, by a vigorous prosecution of the war, they were reduced, after many and severe

losses. The treaty of Fort Jackson followed. They were a conquered people, and treated as such; and such terms were imposed as considerations of public policy dictated.

The advantage that would result by separating those powerful Southern tribes from one another, and from the Territory of Florida, at that time a foreign province, were among the most obvious dictates of policy, as it would effectually guard against the possible future combination of those tribes, and prevent the liability to hostility, which almost invariably results from the intercourse of Indian tribes with a foreign territory. The Creek Indians were required to make the cession of lands to the United States, in such a manner as to effect those important objects; and, accordingly, the United States acquired a large cession in what is now the State of Alabama, which separated the Creeks and Cherokees from the Chickasaws and Choctaws; and a cession, in the southern part of Georgia, which separated the Creeks from the province of Florida.

It was not conceived that there was any thing in the stipulation of the convention with Georgia, which prevented the United States from pursuing those views of national policy. The obligation of the United States extends only to the purchase of lands within the limits of Georgia, so soon as it could be done upon "peaceable and reasonable terms." The lands were acquired by conquest, and not by purchase, which left the nation at liberty to pursue those views of policy which have been stated, and which, it is believed, has tended strongly to give security and strength to the most vulnerable portion of the country.

In noticing the treaties of 1817 and 1819, it may be proper to premise that, as far back as the year 1804, a delegation from the Cherokee nation, then at the Seat of Government, were informed by Mr. Jefferson, if the Cherokees, or any portion of them, thought proper to emigrate to the Arkansas, they should receive as much land as they were entitled to in proportion to their numbers, on the east of the Mississippi. Under the sanction of this promise, and tempted by the abundance of game, emigration continued from the Cherokee nation, in small parties, to the Arkansas, until 1817. The number being then considerable, a commission was constituted to treat with the Cherokee nation, on the basis of the arrangement made by Mr. Jefferson, which was followed by the treaty of the 8th July, 1817, which, among other things, stipulated that a census of the Cherokee nation should be taken in June following, and that a portion of the country should be ceded to the United States, equal to that which those who emigrated to the Arkansas were entitled to; that is to say, if it was found that one-third had emigrated, one-third of the territory should be ceded, and so in any other proportion, according to the number that should emigrate. To carry the treaty into effect, Congress appropriated, by the act of the 20th April, 1818, the sum of \$80,000, in order to defray the expenses that might be attendant on the emigration of the Cherokees to the Arkansas; and Joseph McMinn, Esq., then Governor of Tennessee, was appointed agent to carry the treaty into effect. It was found, however, impossible to take the census as proposed by the treaty, in June, and various causes delayed its final execution until the beginning of the year 1819. In the mean time, the emigration of the Cherokees was incessantly urged by all the means in possession of the Government.

It was the desire of the Government that the whole nation should emigrate, under the belief that it would be better for the Indians, as well as ourselves; and no effort on the part of the Government was left untied to induce them to emigrate. A large portion of the nation, however, were so decidedly opposed to it, that it was found impossible to carry this policy of the Government into effect.

The appropriation being finally exhausted, a delegation of the Cherokee nation was permitted to visit the Seat of Government in 1819, in order to close the treaty of 1817. It was ascertained that about one-third part of the nation had emigrated, or enrolled to emigrate, to the Arkansas; and the delegation proposed to treat upon that basis, which was acceded to. It only remained to fix on the portion of territory to be ceded. With the view of throwing the land to be ceded within the limits of Georgia, and to separate the Creek and Cherokee nations, the Government proposed, that all the lands lying south and east of Etowah, one of the main branches of the Coosa River, should be ceded by the Cherokees; but it was found impossible to induce the delegation to yield to that proposition, or to any other, more favorable to Georgia, than that which was adopted. They were fixed in their determination, particularly, not to be separated from the Creek nation, by an intervening white population, and to cover their northern boundary by the Tennessee River, which necessarily threw the cession, made by the treaty, into Alabama, Tennessee, and North Carolina, as well as Georgia. Since the treaty of 1819, two attempts have been made, under appropriations of Congress, to open a negotiation with the Cherokee nation, for further cession, both of which have proved abortive.

During the present Winter, a delegation of the principal chiefs of the Cherokee nation visited the Seat of Government, and the opportunity was seized to make known to them the sentiments of the Government, upon the subject of additional cessions, in order to fulfil the stipulation of the convention with Georgia.

It cannot be doubted, that much of the difficulty of acquiring additional cessions from the Cherokee nation, and the other Southern tribes, results from their growing civilization and knowledge, by which they have learned to place a higher value upon their lands than more rude and savage tribes. Many causes have contributed to place them higher in the scale of civilization than other Indians within our limits. Lying in large masses, they do not feel that depression, which is invariably felt by small and detached tribes, in the neighborhood of the whites. In addition to which, we may add the genial nature of their climate, which enables them to pass more readily from the hunter to the herdsman state; and the fertility of their soil, and the value of their staple articles, particularly cotton. To these, however, must be added the humane and benevolent policy of the Government, which has ever directed a fostering care to the Indians within our limits. This policy is as old as the Government itself; and has been habitually and strongly extended to the Cherokee nation.

By the fourteenth article of the treaty of Holston, in the year 1791, it is stipulated, "that the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will, from time to time, furnish, gratuitously, the said nation with useful implements of husbandry; and,

APRIL, 1824.]

Indian Reservations in Georgia.

[SENATE.]

further to assist the said nation in so desirable a pursuit, and, at the same time, to establish a certain mode of communication, the United States will send such and so many persons to reside in said nation, as they may judge proper, not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned by the Cherokees, for cultivation, for themselves, and their successors in office; but they shall be precluded exercising any kind of traffic.

In conformity to the provisions of this article, the various utensils of husbandry have been abundantly and constantly distributed to the Cherokee nation, which has resulted in creating a taste for farming, and the comforts of civilized life. This humane policy of the Government, since the termination of the late war, has taken, in some degree, a new direction. Certain benevolent societies, in the year 1816, applied for permission to make establishments among the Cherokees, and other Southern tribes, for the purpose of educating and instructing them in the arts of civilized life. Their application was favorably received. The experiment proved so favorable that Congress, by the act of 8d March, 1819, appropriated \$10,000, annually, as a civilization fund, which has been applied in such a manner as very considerably to increase the extent and usefulness of the efforts of benevolent individuals, and to advance the work of Indian civilization.

In performing the high duties of humanity to the wretched aborigines of our country, it has never been conceived, that the stipulation of the convention with Georgia, to extinguish the Indian title within her limits, was contravened. The Government has been actuated solely by a desire to perform the obligation, which considerations of humanity imposed on us, in relation to these unfortunate people. Their situation, at best, is wretched, and can only be rendered tolerable, by the perpetual exercise of that humanity, kindness, and justice, which has ever characterized the acts of the Government towards them.

I have the honor to be, very respectfully, sir, your obedient servant,

J. C. CALHOUN.

To the PRESIDENT OF THE U. S.

[Accompanying this report, are nearly a hundred pages of documentary matter, from which the following is selected as presenting the view of the subject which is entertained by the Representatives of the State of Georgia.]

To the President of the United States:

The Secretary of War has addressed to the gentlemen composing the Georgia delegation to Congress, copies of the extraordinary documents furnished by persons who are called the *Cherokee Delegation*. As this is believed to be the first instance in which a diplomatic correspondence has been held with *Indian Chiefs*, and in which they have been addressed by the Department of War in the same terms with those used to the Representation of a State, it becomes a subject of inquiry in what light the Cherokees are at present viewed by the Government of the United States. If as an independent nation, to be treated with by all the forms of diplomatic respect, the negotiation with them should be transferred to the Department of State, and will, no doubt, be preceded by a proper examination into their authority to speak for the Cherokee tribe, on matters affecting its prosperity and existence. If to be viewed as *other Indi-*

ans; as persons suffered to reside within the territorial limits of the United States, and subject to every restraint which the policy and power of the General Government require to be imposed upon them, for the interest of the Union, the interest of a particular State, and their own preservation, it is necessary that these misguided men should be taught by the General Government that there is no alternative between their removal beyond the limits of the State of Georgia and their extinction. The Government of the United States will deceive them grossly if they are led to believe that, at this day, *their* consent is necessary to the fulfilment of *its* obligations to the State of Georgia. Their will must yield to the paramount duties of the General Government to *itself* and to *each member* of the Confederacy. The Cherokees allege (if, indeed, the representation made is made with their authority) that they are resolved neither to leave nor sell their lands on which they reside—lands which belong to the State of Georgia; over which Georgia did claim sovereignty until the adoption of the Federal Constitution, and over which she will exercise her powers whenever any Administration of the General Government resolves to fix permanently upon them any persons who are *not*, and whom she will never suffer to *become*, her citizens. The doctrines of the General Government, sanctioned by the highest tribunals, vindicate the claim of Georgia to the ownership of the soil. The Indians are simply *occupants*—tenants at will—in capable of transferring even their naked possession, except through the instrumentality of the United States, to the State of Georgia. Aware of the tenure by which their temporary possession is held, their head men have sought, in many instances, to secure from the United States a title to the soil itself. Stipulations have been entered into by the General Government equally contradictory to the rights of Georgia, and the obligations of the United States; stipulations, however, which show that the General Government have the acknowledged right to transfer the possession of the Cherokee lands to the State of Georgia. The power which takes from the Cherokee *tribe* a portion of soil to confer it on a Cherokee *chief*, under a different tenure, can rightfully take from the Cherokee nation for the benefit of a State.

It is with deep concern that the necessity is felt of pressing upon the General Government the considerations that are due to its character for good faith in its contracts with a member of the Union. Since the year 1802, implicit reliance has been placed in the General Government; and the just expectation has been indulged that, in the execution of its high duties, the Executive administration would carefully and steadily pursue the object for which the faith of the Union was pledged—the peaceable extinguishment, on reasonable terms, of the Indian title to all the lands within the territorial limits of Georgia. In 1817, the public declaration of the President to Congress, that an arrangement had been made, by which, in exchange for lands beyond the Mississippi, a great part, if not the whole, of the lands possessed by the Cherokee tribe eastward of that river in the States of North Carolina, Tennessee, and Georgia, and in the Territory of Alabama, would be soon acquired, gave a just expectation that the national pledge given to Georgia would be redeemed. In the eight years which have succeeded, these anticipations of the President have been realized everywhere but in Georgia. The successive purchases made since

that period have crowded the Cherokees out of Tennessee, North Carolina, and Alabama, almost altogether into Georgia; and the terms upon which they have been made, have created all the difficulties now encountered in the peaceful acquisition, on reasonable terms, of the lands upon which the Cherokees are now permitted to remain; difficulties which are every hour increasing, from the policy pursued by the General Government.

It is with all due respect a subject of serious inquiry, what produced the extraordinary change in the wishes of the Cherokee tribe, as expressed in the treaty of 1817? How it happened that the Cherokees of the upper towns, most of whom were without the limits of Georgia, and who desired to be permanently fixed on the lands upon which they then lived, were induced, in 1819, to abandon their designs, and many of them to become inhabitants of the region beyond the Mississippi, while the Cherokees of the lower towns, (most of them within the State of Georgia,) anxiously desiring to remove in 1817, were in 1819 tempted to remain, and filled with the desire of a permanent establishment there? The same exertions which produced this, can effect another change; can induce the remnant still in the limits of Georgia, to follow their brethren to the West, to a territory which the General Government can rightfully bestow upon them as a temporary or permanent property, without interfering with the right or encroaching upon the sovereignty of any State. Argument is not necessary to show, that a power which interposes obstacles to the accomplishment of its own promises, violates its faith; and that, to plead the impossibility to perform an engagement when that impossibility is produced by those who engaged to perform it, would be equally dishonorable and hypocritical. The President is probably not aware that the United States will be liable to such accusations, if the present moment is suffered to pass without a full compliance on their part with the obligations of the treaty of cession of 1802. What has created the strong desire of the Cherokee Indians to remain where they are? The policy of the General Government; the pretended guarantees of their possessions; the attempted changes in the nature of their titles to them; the lessons received from their masters in the arts of civilized life; the acquisition of property and the desire of extending and securing it; a policy just and generous to the Indians, but solely at the expense of a member of the Union; at war, not less with the rights of that member of the Union, than with the solemn promises of the General Government. The United States have the same right to colonize a tribe of Indians from the Columbia or Red River, in Georgia, as they have to pursue a system of policy whose aim or end shall be the permanency of the Cherokees within that State.

If the Cherokees are unwilling to remove, the causes of that unwillingness are to be traced to the United States. If a peaceable purchase cannot be made in the ordinary mode, nothing remains to be done but to order their removal to a designated territory beyond the limits of Georgia, and giving an ample equivalent for the territory left by them, and an ample support to the territory granted to them. An order of this kind will not be disregarded by the Cherokee tribe, whose interest will be essentially promoted by a compliance with it, (whatever may be the effect of it upon a few chief men, who seem to consider their own interest as separate and distinct

from that of their brethren,) as it must be obvious that a tranquil and undisturbed possession of a permanent property can alone enable them to acquire the arts of civilized life, and to secure to them its benefits.

Our duty is performed by remonstrating against the policy heretofore pursued, by which the interests of Georgia have been disregarded, to the accomplishment of other objects of general interest; and a compliance with a solemn promise postponed, for the acquisition of territory for the General Government; and by insisting, as we do, most earnestly, upon an immediate fulfilment of the obligations of the articles of cession, concluded in 1802, as the only means by which justice can be done to the State we represent, and the character of the General Government be vindicated.

J. ELLIOTT,
N. WARE, *Senators.*
JOEL ABBOT,
GEO. CARY,
TH. W. COBB,
W. CUTHBERT,
JOHN FORSYTH,
WILEY THOMPSON,
Representatives.

WASHINGTON, March 10, 1824.

The Message was read, and laid on the table.

Claims against the United States.

On motion of Mr. TAYLOR, of Virginia, the bill "providing for the settlement of pecuniary claims against the United States," was taken up for consideration.

Mr. TAYLOR, of Virginia, spoke in support of the bill. He adverted to the numerous evils of deciding private pecuniary claims against the United States in Congress—he conceived that it could not be difficult to find a remedy. There was no individual who must not be convinced of the impropriety of deciding trivial claims by Congress. Such trials diminished the dignity of the Legislature, and would be likely to avert from it the affections of the people. It would save the time of Congress, to be directed to higher objects, such as the important reports from the different offices. Matters of importance were so mingled up with trivialities, that sufficient attention was not paid to them. It had been suggested that a board of commissioners ought to be appointed for this purpose. This plan was not liable to so many objections as their trial by Congress, but this would have its attendant evils. At present, rejected claims cost more than those which are allowed. Many are acknowledged to be bad; but yet, year after year, they are before Congress. In this respect a board of commissioners would be better than Congress. It is said that the people have always a right to petition Congress. He denied the position. To obtain the passage of general laws they might have that right; but not to make repeated appeals on private claims. He spoke of the practice in courts of justice, where claims, when once decided, could not again be brought up. It was not consonant with the principles of liberty to

APRIL, 1824.]

Imprisonment for Debt.

[SENATE.]

allow these *ex parte* trials; in which a case was too often gained by teasing, rather than by its justice. The practice was, as Mr. T. thought, at variance with the constitution. The United States could not prefer a petition to Congress, to obtain pay of an individual. One party, then, had a recourse which the other had not. This court ought to be equally open to all parties.

Mr. T. then took up the bill and read it, section by section, to show the merits of each.

The first section provides, that every claimant against the United States shall have the right to bring forward all his claims, whether legal or equitable, in any district or circuit court in the United States. Mr. T. held that this would be much better for the claimants—they would be tried at home—and, although there would be no impartiality or incongruity in the judgments, yet equal justice would be done. Justice would also be done to the United States. The accounts must be first submitted to the accounting officers, and if the claimant afterwards should see fit to bring an action, in the nature of a suit of chancery, he may do it, and that court is to be furnished with a statement from the Secretary of the Treasury, of the reasons upon which the claim was rejected by the Department.

The second section provides, said Mr. T., a substantial regulation for the attainment of justice, the witnesses in the case are to be regularly examined and questioned by the Attorney-General, an impartial person. This, Mr. T. said, would be vastly better than the practice, now pursued, of taking such kind of evidence as was taken by Congress, which, if it deserved the name, was only *ex parte*. He did not propose to plunge into a system which could not be remedied afterwards.

The third section provides for empannelling a jury, when there should be such circumstances as, in the opinion of the court, should require a jury to try facts.

The fourth section gives the Attorney-General the power to file suggestions or interrogatories to the claimants—the facts suggested to be taken as truth if not properly answered. This, Mr. T. said, was similar to a cross bill in chancery—it was to operate when there was a fraudulent concealment of facts.

The fifth section gives the claimant a right of appeal to the Supreme Court of the United States, without bond to prosecute the suit; furnishing the creditor with every possible advantage which could be expected to be allowed.

The sixth section provides that the officers of the court shall be paid for services performed for claimants, but no costs to be rendered against the claimants in case the suit is dismissed, except for counsel.

Mr. T. hoped the observations he had made would be duly weighed, and that the bill would be engrossed, and read a third time.

Mr. HOLMES, of Maine, said he was too timid a politician, to wish to go very deep, at first,

into any new plans of government. He wished to propose another amendment, to limit the time of the operation of the bill. He proposed a new section, to limit the continuance of the bill to three years. This was agreed to.

An amendment was adopted, to include the District of Columbia in the provisions of the bill.

The blank in the bill, limiting the amount of any claim to come within the provisions of this bill, was filled with \$3,000.

The blank, fixing the amount of any claims which should be allowed an appeal to the Supreme Court, was then moved to be filled with \$1,000.

Mr. LOWRIE thought that cases, involving great principles, might come before the courts below, though the amount of the claim might be small. He thought there ought not to be any limit to the right of appeal.

Mr. HOLMES, of Maine, replied to Mr. LOWRIE. He was in favor of limiting the amount upon which an appropriation should be made.

It was then determined to fill the blank with \$500.

Mr. MACON made a few remarks on the bill, to which Mr. TAYLOR replied.

Mr. CHANDLER thought that the claimant ought to pay the costs of his suit, the expenses of juries, &c., as well as his counsel. To this objection Messrs. HOLMES of Maine, TAYLOR of Virginia, and EDWARDS of Connecticut, replied.

The bill was then passed, to be engrossed and read the third time.

THURSDAY, April 8.

Imprisonment for Debt.

Mr. JOHNSON, of Kentucky, rose to request some member who voted for the recommitment of the bill "to abolish imprisonment for debt," to do him the favor to move a reconsideration of that vote. His wish was to have a distinct vote taken on the bill. Such a vote would not affect the proposition contained in the instructions which were given to the committee, on the recommitment of the bill, at the instance of the honorable member from South Carolina. He did not wish to press the subject upon the Senate, but hoped that an opportunity would be given to him to record his vote in favor of the bill.

Mr. THOMAS, who had voted in favor of recommitment, moved, in order to meet the wishes of the gentleman from Kentucky, that the vote by which the bill was recommitted should be reconsidered.

Mr. HAYNE opposed the reconsideration of that vote. He said he had stated, when he made the motion to recommit the bill, that he wished no member, who was in favor of the final passage of the bill, would vote for its recommitment; and he considered that vote as distinctly expressing the sense of the Senate on that subject. Mr. H. proceeded to consider the

SENATE.]

Imprisonment for Debt.

[APRIL, 1824.]

principles of the bill, and said, he believed it altogether an inefficient remedy for the evils which were intended to be met by it. With this view, he had moved to instruct the committee, on the recommitment of the bill, to inquire into the expediency of instituting a general system of bankruptcy. He hoped the vote to recommit would not be reconsidered.

Mr. TAYLOR, of Virginia, spoke in favor of reconsideration; and proceeded to show why this bill ought to be passed, without reference to a bankrupt system.

Mr. LOWRIE had not considered the vote to recommit, as deciding against the eventual passage of the bill. But, as it was now avowed to have taken place with a view to get rid of the bill, and, as he did not like to have it thrown out of the Senate in that way, he should vote for its reconsideration.

Mr. MILLS was opposed to reconsideration. He considered the vote to commit, as a decision on the part of the Senate, that the bill, patched as it was, with amendments, ought not to pass, in its present shape. He went on to make some further remarks against the bill itself, and against the reconsideration. He thought it ought not to be taken up again, in its present form, at the present session of Congress.

Some further discussion, involving the principles of the bill, took place—in which Messrs. MACON, HOLMES of Maine, JOHNSON of Kentucky, VAN BUREN, FINDLAY, LLOYD of Massachusetts, CHANDLER, J. S. JOHNSTON, MILLS, TAYLOR of Virginia, and NOBLE, engaged. The question was then taken on reconsidering the vote by which the bill was recommitted, and decided in the affirmative, by yeas and nays, as follows:

YEAS.—Messrs. Benton, Branch, Chandler, Eaton, Findlay, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, J. S. Johnston, Kelly, King of Alabama, Lanman, Lowrie, McIlvaine, Macon, Ruggles, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren—23.

NAYS.—Messrs. Barton, Bell, Clayton, D'Wolf, Edwards, Gaillard, Hayne, King of New York, Knight, Lloyd of Massachusetts, Mills, Noble, Parrott, Seymour, Van Dyke, Ware, and Williams—18.

The vote to recommit the bill having been thus reconsidered, the question again recurred upon recommitting it. That question was decided in the negative without division.

Mr. HAYNE then moved that the further consideration of the bill should be indefinitely postponed. He proceeded to show the objections which existed, in his mind, to the passage of this bill. He was perfectly willing to vote for a system which should relieve the honest debtor; and he believed such a one might be easily drawn, in which the rights of the creditor and the debtor might be preserved; but he believed this bill to be altogether inadequate to that effect.

Messrs. VAN BUREN, J. S. JOHNSTON, BRANCH, TALBOT, and JOHNSON of Kentucky, addressed

the Senate in favor of the bill, and Messrs. MILLS and HAYNE against it.

The question on postponing the bill indefinitely was then put, and decided in the negative, by yeas and nays, as follows:

YEAS.—Messrs. Barton, Bell, Clayton, D'Wolf, Dickerson, Edwards, Gaillard, Hayne, King of New York, Knight, Mills, Palmer, Parrott, Ruggles, Seymour, Van Dyke, Ware, and Williams—18.

NAYS.—Messrs. Benton, Branch, Chandler, Eaton, Findlay, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, J. S. Johnston, Kelly, Lanman, Lowrie, McIlvaine, Macon, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren—21.

The Senate having thus refused to postpone the bill indefinitely, it came up again for consideration. Some amendments, in its details, were proposed by Messrs. EATON, HOLMES of Maine, TALBOT, and VAN DYKE, and were agreed to. The question was then taken on passing the bill to be engrossed and read the third time, and was carried in the affirmative.

FRIDAY, April 9.

Imprisonment for Debt.

The bill "to abolish imprisonment for debt," was read the third time. Objections were then made to certain parts of the bill, by Messrs. LANMAN, MILLS, VAN DYKE, and HAYNE—which were replied to by Messrs. TALBOT, VAN BUREN, and JOHNSON of Kentucky. One or two immaterial amendments were made, by general consent. An amendment proposed by Mr. JOHNSON of Kentucky, was objected to by Mr. HAYNE—and one submitted by Mr. VAN BUREN, was objected to by Mr. LOWRIE; they could not, therefore, be received; as no amendment can be considered, after the third reading of a bill, except by general consent.

The question was then taken on the final passage of the bill, and carried in the affirmative, by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Benton, Branch, Eaton, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, and Williams—24.

NAYS.—Messrs. Barton, Bell, Chandler, Clayton, D'Wolf, Dickerson, Edwards, Gaillard, Hayne, King of New York, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Van Dyke, and Ware—19.

So the bill passed the Senate.

The usual question on the title being put, Mr. MILLS moved that it be stricken out. He thought the provisions of the bill did not concur with its title—and that it was holding out an appearance of a general abolition of imprisonment for debt, when such a thing was not to be effected by the bill. He proposed to substitute the following: "A bill to regulate the processes of the courts of the United States, in certain cases." This

APRIL, 1824.]

Commerce with Portugal.

[SENATE.]

was objected to by Messrs. JOHNSON of Kentucky, TALBOT, and HOLMES of Maine. It was contended, by the friends of the bill, that they ought, at least, to have the privilege of naming their own child—that there could be no harm in leading the people to the sweet belief, for a few weeks, at least, that imprisonment for debt was to be abolished—and that, as so many amendments had been made in the bill, the title, being the best remaining part of it, ought not to be lost. The question was then put, upon striking out the title of the bill, and decided in the negative.

Mr. CHANDLER moved to amend the title, by adding to it the words, "in certain cases;" so as to read, "a bill to abolish imprisonment for debt, in certain cases." This was not agreed to. The original title was approved; and the bill sent to the other House for concurrence.

MONDAY, April 12.

Claim of Virginia.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

The Executive of Virginia having requested payment of the amount of interest, paid by the State, for moneys borrowed by it, for services rendered by the militia, in the late war, and such claim not being allowable, according to the uniform decisions of the accounting officers of the Government, I submit the subject to your consideration, with a report from the Secretary of War, and all the documents connected with it.

The following are the circumstances on which this claim is founded: From an early stage of the war, the squadrons of the enemy entered occasionally the Chesapeake Bay, and, menacing its shores, and those of the principal rivers emptying into it, subjected the neighboring militia to calls from the local authorities, for the defence of the parts thus menaced. The pressure was most sensibly felt in 1814, after the attack on this city, and its capture, when the invading force, retiring to its squadron, menaced alike Baltimore, Norfolk, and Richmond. The attack on this city had induced a call, by the Department of War, for large detachments of the militia of Pennsylvania, Maryland, and Virginia, which, being collected in this quarter, and the enemy bearing, in the first instance, on Baltimore, were ordered to its defence. As early as the 31st of August, notice was given by the Secretary of War, to the Governor of Virginia, of the position of the enemy, and of the danger to which Richmond, as well as Norfolk and Baltimore, were exposed, and he was also authorized and enjoined to be on his guard, prepared at every point, and in every circumstance to meet and repel the invaders. This notice was repeated several times afterwards, until the enemy left the bay, and moved to the South.

In the course of the war, the State had augmented its taxes to meet the pressure; but, the funds being still inadequate, it borrowed money to a considerable amount, which was applied to the payment of the militia, for the services thus rendered. The calls which had been made, except for the brigades in

this quarter, and at Norfolk, being made by the State, the settlement with those corps, and the payment for their services were made, according to the rules and usages of the Department, by the State, and not by the United States. On the settlement by the State, after the peace, with the accounting officers of the Government, the reimbursement of the interest, which the State had paid, on the sums thus borrowed, and paid by the militia, was claimed, but not allowed, for the reason above stated. It is this claim which I now submit to the consideration of Congress.

It need scarcely be remarked, that, where a State advances money for the use of the General Government, for a purpose authorized by it, that the claim for the interest of the amount thus advanced, which has been paid by the State, is reasonable and just. The claim is the stronger under the circumstances which existed when those advances were made, it being at a period of great difficulty, when the United States were compelled to borrow very large sums, for the prosecution of the war. Had the State not borrowed this money, the militia, whose services have been recognized since by the nation, must have been disbanded, and the State left without defence.

The claim is, in my opinion, equally well founded, when a State advances money which it has in its Treasury, or which it raises by taxes, to meet the current demand.

In submitting this claim to your consideration, it is proper to observe, that many other States have like claims with those of Virginia, and that all those similarly circumstanced, should be placed on the same footing. I invite your attention to a principle, which is deemed just, and with the view, that the provision which may be made respecting it, may be extended alike to all the States.

JAMES MONROE.

The Message was read, and ordered to lie on the table.

TUESDAY, April 13.

Commerce with Portugal.

The resolution submitted yesterday by Mr. LLOYD of Massachusetts, requesting the President of the United States "to cause to be communicated to the Senate so much of the correspondence of the Minister of the United States at the Court of Portugal, as has reference to the commercial relations between the two countries; together with such other information connected therewith as may be in possession of the Government, and which, in his opinion, may, without injury to the public interest, be made known," was read for consideration.

Mr. LLOYD observed, that, as he introduced the resolution, it might be considered incumbent on him to state the views which had led him to do it. The resolution had reference rather to the respective aspects of our trade with that Kingdom, than to the present situation of it; the latter was too well known to be in a depressed and diminished state. For a long series of years our commercial relations with Portugal had been, he said, of the most beneficial and reciprocally acceptable character. It was a

trade which seemed peculiarly to entitle itself to the favor of the political economists of the present day. It was a trade prosecuted almost entirely from the domestic or home productions of the United States—in the fish, in the provisions generally, and the pearl ashes of the North; but principally in the bread stuffs—the corn, the wheat, the flour, the rice, and the staves of the South. Our exports in it, formerly, very much exceeded our imports; while we exported no specie to Portugal, but, at times, received considerable sums in dollars from it, as returns for our outward cargoes; and both these circumstances were strong recommendations of it to the same school.

Another course of this trade, was to send out to Portugal, from the United States, valuable cargoes of domestic produce; for we were allowed to carry none other, of any consequence, for the purpose of accumulating funds there for more distant objects; the vessels returning home with a ballast of salt, with a part of the proceeds of their outward cargoes, invested in wines, and a very small part also in fruit, leaving the residue of their funds to furnish the specie means for the prosecution of our West India trade, the vessels touching at Lisbon, on their passage out, to receive it; and also to provide remittances to London and Amsterdam, in payment for cargoes of Russian and Swedish products, for our vessels to bring to the United States. This was the state of the trade formerly. All parties were satisfied with it, for it furnished the most steady market in Europe for our domestic productions; and the international feelings to which it gave rise were of the most grateful character. Mr. L. said he recollected, perfectly well, a conversation on this subject, which he had the honor to have, twelve or fourteen years since, with the very distinguished statesman then at the head of the Government, Mr. Madison, who remarked to him that, with no power in Europe had our foreign relations been on so uniformly a friendly footing, as those with the Government of Portugal. He said we had never made a request to Portugal, which she had not acceded to.

Thus the intercourse between the two countries remained, Mr. L. believed, with the intermission of the late war, until the year 1816, when the tariff of that year operated so injuriously on the trade in the wines of Portugal, as to induce the Government of that country strongly to remonstrate against it, as a very onerous imposition on the principal article of her exports, and as unfriendly to her intercourse with us. Her remonstrances, however, being unavailing, after a time she resorted to another course, which, perhaps, before long, may be resorted to by other powers than Portugal, and perhaps for more than one of the great staples of the country. She either excluded, altogether, the corn of the United States, or so heavily taxed it with our flour, as to amount nearly, if not entirely, to a prohibition. And, on the other hand, as soon as the tariff of 1816 came

into operation, the exportation of Portugal wines immediately decreased more than one-half.

To remedy this unpleasant feeling, and the deranged commercial relations between the two countries, he had understood were the objects for which General Dearborn had been sent to Lisbon, with the expectation that he might be able to negotiate a commercial treaty, or make some acceptable arrangement with the Portuguese Government which might restore the former good feelings and friendly intercourse between the two nations. The object of the proposed resolution was to ascertain how far this attempt had been successful, or what prospect there was that it might come so hereafter.

And while speaking on this subject, Mr. L. said, he thought it might not be wholly useless were he to retrace, very briefly, the effect that had been produced on the trade with Portugal, by the tariffs which had, at different times, been adopted in the United States, operating upon her principal article of export, her wines, and which, from self-defence, she would feel herself bound to protect; and the effect they had also produced on the trade of the United States with her.

In the earliest period of the Federal Government, on the enactment of the first tariff law, in 1790, a duty was laid on the wines of Portugal of eighteen cents a gallon on the high-priced Madeira, and ten cents a gallon on Lisbon wine. This was a very low rate of duty. It was obvious the article was susceptible, without injury, of a much higher rate; accordingly, two years after, in 1792, when the law was revised, the duty was greatly increased, and fifty-six cents was then imposed on Madeira, and twenty-five cents per gallon on Lisbon wine, which probably was about as high a rate of duty as the articles would bear. And thus it remained until 1800, when the tariff was again advanced; but the wise men who then had in charge that law, judiciously supposed that the existing duty on wines had nearly reached the acme at which it would be productive; they therefore touched these articles very lightly, contenting themselves with imposing only two cents additional a gallon on Madeira wine, and five cents on Lisbon. Thus it remained, and the trade and intercourse between the two countries expanded, to their mutual benefit, until the tariff policy of 1816 prevailed. The effect of that policy became instantly visible. What it was, was an inquiry of some point, and would attract the attention of the Senate.

In the custom-house year, 1815-'16, we imported into the United States—

Of Lisbon wine	- - -	654,608 gallons.
Of Madeira	- - -	314,891 do.

Then came the overwhelming tariff of 1815, which raised the duty 90 per cent. on Madeira, and more than sixty per cent. on Lisbon wine; and the very next succeeding year the importation of the first fell off nearly one-half—from 814,891 gallons, to 186,108 gallons; and of the second more than two-thirds—from 654,608

APRIL, 1824.]

Surveys for Roads and Canals.

[SENATE.]

gallons, to 194,187 gallons; furnishing a good lesson to financiers. And the trade, he said, had remained crippled from that time to the present; for, in 1823, we imported only 180,067 gallons of Madeira, and 124,101 gallons of Lisbon wine—being less than one-half the quantity we had imported so long ago as twenty-five years, since which our population had more than doubled, and our agricultural products quadrupled.

The same tariff of 1816 had also affected our exports to Portugal in another way; it had almost extinguished the trade to Bengal, and the exportation of domestic produce in part to pay for it; a trade which formerly employed thirty or forty fine ships and occupied eight or ten millions of dollars of capital; and another tariff bill, if it passed, imposing a heavy duty on hemp and iron, would deal out the same fate to about four times the same number and description of vessels now engaged in the trade with the North Sea and the Baltic.

These were the views, Mr. L. said, which induced him to offer the resolution under consideration, and which he hoped it might be acceptable to the Senate to pass.

The resolution was agreed to without division.

FRIDAY, April 16.

Cherokee Indians in Georgia.

A communication was received from the delegation of the Cherokee Nation, at present at the Seat of Government, relative to the late Message of the President to Congress, on the Indian titles to lands in the State of Georgia, and animadverting on the paper presented to the President of the United States, by the Georgia delegation in Congress.

The communication being read, Mr. ELLIOTT said he objected to a contest of this character, in this place, with the Cherokee delegation. He knew them only as other Indians, and to be treated with as such. If they claim to represent an independent nation, why do they address this body directly, and not through the Department of State? But, if they seek to be heard in their real character, they should present their claims to our consideration, through the War Department. The course now attempted, is novel and inadmissible, and he hoped the communication would lie on the table. It was then ordered to lie on the table.

TUESDAY, April 20.

Court for the Trial of Claims against the United States.

The bill reported by the Judiciary Committee, "to provide for the settlement of certain pecuniary claims against the United States," was then taken up for consideration in Committee of the Whole. The bill was reported to the Senate. Mr. TAYLOR, of Virginia, spoke in favor of the bill; Mr. VAN BUREN moved

its indefinite postponement, and made a few remarks in favor of that motion. Mr. LANMAN, also, advocated the postponement; and Mr. BARBOUR opposed it. The question was then put, and decided in the negative—yeas 16, nays 19, as follows:

YEAS.—Messrs. Bell, Chandler, Clayton, D'Wolf, Edwards, Findlay, Gaillard, King of Alabama, Knight, Lanman, Lowrie, Ruggles, Seymour, Thomas, Van Buren, and Williams.

NAYS.—Messrs. Barbour, Barton, Brown, Hayne, Holmes of Maine, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Palmer, Parrott, Smith, Taylor of Indiana, Taylor of Virginia, and Van Dyke.

The amendment made in Committee of the Whole, limiting the amount of any claim to be brought within the provisions of this bill, to three thousand dollars, was objected to by Mr. H. JOHNSON, of Louisiana. The amendments, however, were all agreed to. Mr. LOWRIE advanced some objections to the bill; to which Mr. TAYLOR, of Virginia, replied:

Mr. BARBOUR moved to amend the bill, by inserting a provision, that no claim of more than — years' standing, shall be entitled to the benefits of this act, nor any claim which has been rejected by either House of Congress. On motion of Mr. JACKSON, the blank was filled with "twelve." The amendment was adopted.

Mr. HAYNE moved a new section, to give the Congress the power of revising any judgment or decree rendered under this act. The amendment was agreed to.

The question was then taken on ordering the bill to be engrossed, and read the third time, and decided in the affirmative—yeas 20, nays 19, as follows:

YEAS.—Messrs. Barbour, Barton, Branch, Brown, Hayne, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, Lloyd of Maryland, Lloyd of Massachusetts, McIlvaine, Macon, Smith, Taylor of Indiana, Taylor of Virginia, and Van Dyke.

NAYS.—Messrs. Bell, Chandler, Clayton, D'Wolf, Eaton, Edwards, Findlay, Gaillard, King of New York, Knight, Lanman, Lowrie, Palmer, Parrott, Ruggles, Seymour, Thomas, Van Buren, and Williams.

FRIDAY, April 23.

Surveys for Roads and Canals.

The Senate then resumed the unfinished business of yesterday, being the bill from the other House "to provide for the necessary surveys for roads and canals;" Mr. BARBOUR in the Chair.

Mr. TALBOT rose, in explanation of some remarks he had heretofore made on this subject. He conceived that no gentleman, by voting for this bill, would thereby pledge himself to support a general system of internal improvements, when the same should be brought forward.

Mr. SMITH thought that the passage of this bill might hereafter, be taken as a recognition of the power of Congress to construct roads and canals; he feared that it might be considered as the entering wedge to the great system of improvements, the power to adopt which, he for one was not disposed to admit. He, therefore, proposed to amend the bill, by attaching to it a proviso, "that nothing herein contained shall be taken to affirm or admit the power of Congress, on their own authority, to make roads and canals in any State of the Union."

Mr. RUGGLES made some remarks in favor of the principles of the bill, and of pursuing such measures as would tend to produce a more intimate connection between the Atlantic States and the valley of the Mississippi, which must hereafter contain a population bearing a great proportion to that of the whole country. The interest of both these sections of our country, he argued, would be greatly promoted by such a measure.

Messrs. EATON, BROWN, LLOYD of Maryland, JOHNSON of Kentucky, H. JOHNSON of Louisiana, and NOBLE, opposed the amendment, and Messrs. MILLS, VAN DYKE, and SMITH, supported it. Mr. VAN DYKE proposed to amend the amendment, by inserting a provision that, previous to any survey being made under this act, the consent of the State in which such survey is to be made shall be obtained. Messrs. RUGGLES and BENTON made a few remarks on this subject. The question was then put, and decided against Mr. VAN DYKE's amendment, as follows:

YEAS.—Messrs. Barbour, Bell, Chandler, Elliott, Gaillard, King of New York, Lloyd of Massachusetts, Macon, Mills, Palmer, Smith, Taylor of Virginia, Van Buren, Vandye, and Ware—16.

NAYS.—Messrs. Barton, Benton, Branch, Brown, Clayton, D'Wolf, Eaton, Edwards, Findlay, Hayne, Holmes of Maine, Holmes of Miss., Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, King of Alabama, Knight, Lloyd of Maryland, Lowrie, McIlvaine, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Williams—28.

The question then recurred upon the amendment proposed by Mr. SMITH. Upon this question Messrs. MACON, HOLMES of Maine, CHANDLER, and NOBLE, made a few observations.

Mr. CHANDLER moved to amend the amendment by striking out the word "admit," and inserting in its stead the word "deny," so that it should read "that nothing herein contained shall be taken to affirm or deny the power of Congress, on their own authority, to make roads and canals in any State of the Union." This amendment was discussed by Messrs. TAYLOR of Virginia, BROWN, and HAYNE. The question was put, and decided in the negative—ayes 10, noes 36, as follows:

YEAS.—Messrs. Barton, Brown, Hayne, Josiah S. Johnston, Kelly, Lloyd of Massachusetts, Ruggles, Seymour, Talbot, and Williams.

NAYS.—Messrs. Barbour, Bell, Benton, Branch, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, King of Alabama, King of New York, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Smith, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, and Ware.

The question upon the amendment, as proposed by Mr. SMITH, was then put, and decided in the negative, as follows:

YEAS.—Messrs. Barbour, Bell, Branch, Chandler, Clayton, D'Wolf, Elliott, Findlay, Gaillard, Holmes of Maine, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Palmer, Smith, Taylor of Virginia, Van Buren, Van Dyke, and Ware—21.

NAYS.—Messrs. Barton, Benton, Brown, Dickerson, Eaton, Edwards, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Williams—25.

Mr. HAYNE then moved to postpone the further consideration of the bill until Tuesday next. This was not agreed to.

Mr. LLOYD, of Massachusetts, stated the grounds upon which he should vote for the bill—he did not consider it as involving the question upon the constitutional right of Congress to make public improvements—but merely as a means of obtaining information, which might be of great importance to the Government.

Mr. MACON explained the reasons why he should vote against the bill. He could not believe that this bill was clear from the constitutional objection, which he thought very forcible and unanswerable, and he proceeded to advance other considerations against the bill.

Messrs. FINDLAY, MILLS, and LLOYD, of Maryland, made a few further remarks upon the subject.

The bill was then reported to the Senate without amendment. On ordering it to a third reading, the yeas and nays were as follows:

YEAS.—Messrs. Barton, Benton, Brown, Dickerson, Eaton, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, McIlvaine, Noble, Ruggles, Smith, Talbot, Taylor of Indiana, Thomas, and Williams—25.

NAYS.—Messrs. Barbour, Bell, Branch, Chandler, Clayton, D'Wolf, Edwards, Elliott, Gaillard, Holmes of Maine, King of Alabama, King of New York, Knight, Macon, Mills, Palmer, Seymour, Taylor of Virginia, Van Buren, Van Dyke, and Ware—31.

So the bill was ordered to a third reading.

SATURDAY, April 24.

Delaware Canal Company.

Mr. VAN DYKE, from the Select Committee on Roads and Canals to whom was referred

APRIL, 1824.]

Refuse Lands.

[SENATE.]

the memorial of the President and Directors of the Delaware Canal Company, requesting the aid of the Government in their undertaking, submitted a report on that subject; accompanied by a bill "authorizing the subscription to the stock of the Delaware Canal Company." The bill was read, and passed to a second reading; and the report was ordered to be printed. The report is as follows:

The Chesapeake and Delaware Canal Company was duly incorporated, some years since, by acts of the Legislatures of Delaware and Maryland, respectively. The capital stock is divided into shares of two hundred dollars. The maximum cost of the whole work is estimated at the sum of one million three hundred and fifty-four thousand three hundred and sixty-four dollars and sixty-four cents, and the amount of funds at present pledged for its execution may be assumed at seven hundred thousand dollars. The present condition of the company, and the route of the canal lately determined upon and fixed by the Board of Directors, with the aid of engineers of distinguished reputation and skill, are set forth in the annexed document, signed by the President and Secretary of the said Company, dated "March 27, 1824," marked A, and the report of the engineers, marked B, to which the committee refer as part of this report. The whole length of the canal will not exceed fourteen miles. The Board of Directors have made advantageous contracts for the completion of the eastern half of the canal, and the contractors have begun the work. Under these circumstances, the memorialists pray such aid as Congress, in its wisdom, may deem proper to grant.

The importance and utility of roads and canals, to facilitate and increase commercial intercourse among the several States of our widely extended Republic, have been so fully and ably represented in several reports, heretofore made to Congress, that it is thought unnecessary to enlarge further upon the subject.

The committee view the proposed canal as a work of great national importance, not only as one link in the chain of inland navigation along our seaboard, which has been for many years contemplated, but also, as it will furnish to the Government, in time of war, great advantages in a more expeditious and cheap conveyance of troops and munitions of war across the peninsula between the Chesapeake and Delaware bays, the want of which was severely felt during our late hostilities with Great Britain. Under this impression, the committee deem the said canal worthy of the attention and patronage of Congress. The company being incorporated and organized, it is believed a subscription, on the part of the United States, for a certain number of shares of the capital stock, would encourage and insure the completion of the work, without infringing any principle of the constitution, and without incurring any loss to the Government. The committee, therefore, report a bill authorizing the Secretary of the Treasury to subscribe, in the name and for the use of the United States, for — shares of the capital stock of the Chesapeake and Delaware Canal Company.

WEDNESDAY, April 28.

Refuse Lands.

In pursuance of a notice given yesterday, Mr. BENTON asked leave to introduce the following bill:

A bill to sell and dispose of the refuse lands belonging to the United States.

Be it enacted, &c., That the lands belonging to the United States, which have been heretofore, or shall be hereafter offered at public sale, and shall remain five years thereafter without being sold at the minimum price of one dollar twenty-five cents per acre, shall be again offered at public sale, but shall not be sold for a less sum than fifty cents per acre.

SEC. 2. *And be it further enacted,* That any head of a family, or young man above twenty-one years of age, or widow, being citizens of the United States, may demand and receive from the register and receiver of the proper land office a written permission to take possession of, and settle upon, any half quarter section of land which shall remain unsold, after having been offered for sale at the minimum price of fifty cents per acre, and upon inhabiting and cultivating the same for three successive years, shall be entitled to receive a patent therefor, as a donation from the United States.

SEC. 3. *And be it further enacted,* That the lands which shall remain unsold, after having been offered for sale at the minimum price of fifty cents per acre, may be sold at private sale for that sum, at any time before permission shall have been granted to settle on the same.

In asking leave to introduce this bill, Mr. BENTON said this was not the time to discuss it—probably the time would not come during the present session. In that event, what was done now would operate as a notice for the next session; would turn the minds of the Senators to the changes contemplated, and would prevent the necessity of delay. He believed that a change in the manner of selling public lands was called for, both by the voice of the people and the interest of the Government. By the present rule, said Mr. B., the good and the bad land are held at the same price. The best can be got for \$1 25 per acre—the worst cannot be had for less. The minimum of \$1 25 per acre for all sorts of land was arbitrary and unjust. It was unjust to the people, because it prevented them from getting the inferior land at a fair price; unjust to the States, because it checked their population, and deprived them of their right of taxation; unjust to the nation, because it prevented the public Treasury from receiving the money which such land was worth, and for which it would sell. The continuance of the rule would give to the United States the fabled position of the dog and the manger. The rule should be changed. The United States is a great land seller, and she should follow the practice of all other sellers; she should apportion her price to the quality of her land. When a quarter section has been offered for years at \$1 25 per acre, and nobody will give that sum, it is proof that it is not worth it, and justice to the people, the States, and the Treasury, requires that it should be offered again at a less price. The bill introduced, assumes fifty cents per acre, as the second minimum at which such lands should be offered; and it proposes to give away, with-

SENATE.]

The Tariff.

[APRIL, 1834.]

out price, to such poor persons as may be willing to take and cultivate them, the refuse lands which will not sell for that sum.

The leave was given to introduce the bill, which was read, and ordered to be printed.

The Tariff.

The Senate then proceeded to consider, in Committee of the Whole, the bill from the House of Representatives, to amend the several acts for imposing duties on imports, together with the amendments proposed thereto by the Committee on Commerce and Manufactures of the Senate.

The first question was upon agreeing to the following proviso:

"Provided, also, That the provisions of this act shall not apply to, or be enforced against, importations of goods from ports or places eastward of the Cape of Good Hope, or beyond Cape Horn, before the first of November next ensuing."

Mr. DICKERSON, and Mr. LLOYD of Massachusetts, explained the object of the amendment, and it was agreed to.

Mr. MILLS then moved to amend the bill by striking out the following clause: "On iron, in bars or bolts, not manufactured, in whole or in part, by rolling, ninety cents per hundred and twelve pounds weight."

Mr. MILLS supported his amendment at considerable length, by showing the great importance of this article to all classes of the community, from the humblest laborer up to the planter and the merchant, to the commerce and navigation, and to the manufacturer, as well as others, and commented upon the impolicy of imposing a higher duty upon an article of such absolute necessity to the country, and to produce which, in such quantities as to meet the consumption of the country, it was, as he thought, utterly incompetent.

Mr. DICKERSON said, that he was not sorry that the enemies of the tariff had selected iron as the first article of attack, because, if there is any part of the bill that will stand the test, it is this—and because the fate of the bill depends very much upon our success or failure in this particular.

The gentleman from Massachusetts (Mr. MILLS) has informed us that we ought not to lay heavy duties upon an article of indispensable necessity to us for our defence in war—an article of general use at all times, and without which we cannot even procure our food. But these are precisely the reasons in favor of protecting the manufacture of iron, of securing it to ourselves. Shall we unnecessarily depend upon foreign nations, three or four thousand miles distant from us, for articles absolutely necessary for our defence or our existence?

We have the means of making as much iron as we want for our own consumption, and as much more for exportation.

Our mountains are filled with rich veins of magnetic iron ore. The streams suitable for

iron works are abundant—the mountains are covered with wood, large portions of which are unfit for cultivation.

Our immense tracts of alluvial soil, also, abound with iron ore, and wood—the advantages of which will be lost to the country if the manufacture of iron is not protected. There is no mineral so universally distributed over this country as iron; and it is believed that there is not a State in the Union, in which this article could not be found, in sufficient quantities for the consumption of the State.

The manufacture of iron in all its details, requires a great number of laborers. If protected in this country, it would draw a large population from agriculture, in which too many are engaged. This portion of our population would immediately become the purchasers and not the sellers of the produce of the soil, and thus enhance the value of real estate, and afford a better interest for capital and profit for labor employed in agriculture.

Mr. HOLMES, of Maine, supported the motion to strike out this duty. He proceeded to show the unjust and partial operation upon certain classes of the community, and replied to the arguments made use of by Mr. DICKERSON.

Mr. MILLS made some further remarks in reply to Mr. DICKERSON.

Mr. LLOYD, of Massachusetts, also addressed the Senate in support of the motion of his colleague, and in answer to some of the positions taken by Mr. DICKERSON. He alluded to the advantages which the home manufacturers already possess over the importer of this article. He assigned the gratifying prosperity of our country as the principal reason that operated against the domestic production of iron. That reason was to be found in the advance price our labor bears over that of the degraded population of the part of Europe where this article is produced; and the price of labor, he said, was a test of national prosperity. He remarked upon the encouragement which had been said, by the gentleman from New Jersey, to have been extended to the shipping interest of the country, and upon the retributive policy that would, probably, be adopted by foreign nations, if this bill were passed.

Mr. L. said that he conceived it to be the duty of the Government—it was the principle in which the Republic was founded—to encourage, as far as it could be done, the interests of the whole people—and, where there were divisions of interest, to look to the claims of the largest and most important part. He compared the relative importance to the country, of the shipping and commercial interests, and the great class of mechanics dependent on them, with the miners and makers of iron. He spoke of the embarrassments which the shipping interest already labored under, and proceeded to show that this bill, if passed, would go to impose additional, and far heavier, burdens upon them. He thought the bill ought to be rather entitled a bill to oppress the agricultural, to

APRIL, 1824.]

The Tariff—Hemp.

[SENATE.]

crush the commercial, and eventually to injure the manufacturing interests of the country; for, the reaction of the bill would probably be the most tremendous effect of it. The agricultural interest was the great and controlling interest, and when they once realized its effect, they would repeal it, and also prostrate every thing that had grown up under it.

Mr. L. spoke of the Russian trade, as one of the most advantageous which this country ever pursued. He denied, altogether, that there was a balance against us, in this trade, and proceeded to explain the course which had generally been pursued, in relation to it. If called up again, upon the bill now before the Senate, Mr. L. said he should endeavor more fully to explain his reasons for believing that all the ideas of balances of trade against this country, founded on the custom-house returns, were the vain and visionary hallucinations of the minds of mere theorists.

Mr. D'WOLF spoke in favor of retaining this item in the bill. He recurred to the general features of the bill, as intended for the encouragement of our domestic industry, and leading the people to do for themselves what they want done. This article was one great branch of the whole system included in the bill, and he thought the arguments of the gentlemen opposed to the duty only went to show its propriety. The home market, Mr. D'W. considered as the most important to every nation. The balance of trade, he said, ought certainly to be taken in the aggregate. If we sell to the other nations more than we buy from them, the balance, of course, is in our favor. He denied that other nations bought of us, because we bought of them: each nation bought what it wanted, and no more.

He compared the business of a nation to that of an individual. It was alike necessary for both to keep an account of what was coming in and going out. He knew that the commercial interests were languishing, and other interests were in the same situation. The facilities extended to the importation and use of foreign articles in this country were very great. He believed the interests of every State in the Union would eventually be promoted by the passage of this bill, as encouraging the industry of the country. The bill was intended to save the labor of the country, and throw it upon its own resources. As to the effect on the revenue, he considered it a mere bugbear, as the people, in some shape or other, must pay the revenue. The means they possess to pay it are of much more importance than the manner in which it is paid.

Mr. HOLMES, of Maine, denied, altogether, that any encouragement had been extended by the Government to the fisheries of the country. The bounty, he contended, was merely a drawback of the duty on salt.

The question on Mr. MILLS's motion was then put, and decided in the affirmative, by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Branch, Clayton, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—24.

NAYS.—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot of Indiana, Thomas, and Van Buren—23.

So the duty on iron was stricken from the bill. The Senate then adjourned.

THURSDAY, April 29.

Lands and Town Lots for Academies and Schools in Missouri.

Mr. BENTON submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing the President of the United States to cause to be selected, in separate parcels, or in sections, as much land as will amount to two of the townships heretofore granted by Congress to the State of Missouri, for the support of seminaries of learning. Also, to inquire into the expediency of granting to the town of St. Louis, and to other towns and villages in the State of Missouri, for the support of schools, the lots and pieces of ground, within such towns and villages, which may have been heretofore reserved for military purposes, and not now needed for such use.

The Tariff.

The Senate then resumed, as in Committee of the Whole, the unfinished business of yesterday, being the consideration of the bill from the House of Representatives "to amend the several acts for imposing duties on imports." Mr. KING, of Alabama, was called to the chair.

Hemp.

Mr. LLOYD, of Massachusetts, moved to amend the bill by striking out the following clause: "On hemp, two cents per pound."

Mr. LLOYD addressed the Senate in support of his motion. He expressed his high estimation for the gentlemen from Kentucky, and regretted that this motion would not, probably, meet their approbation. He proceeded to show the importance of this article, and the improbability of a sufficient production to meet the demand for consumption. He portrayed the course which had been pursued in regard to the agricultural interests of the Northern States. From their former embarrassed situation they had recovered, and had now become prosperous and happy, unaided by any extraordinary assistance by way of duties from the Government. He spoke particularly of the encouragement which had already been extended to the domestic growth of hemp, and the failure to produce it in any considerable quantity. Mr. L. adverted to the causes of this failure, and the want of the natural advantages necessary to the growth of this article. Even if Kentucky

could raise the article in sufficient quantities with this enormous bounty to encourage the growth, he said the cordage made from it would come higher than that of any other part of the world where it is made.

Mr. CHANDLER said he rose to give the reasons which would govern him in giving his vote on this question. He voted yesterday against striking out the article of iron, not because he would vote for the bill as it came from the House, which he could not do, but because he was willing to give an opportunity so to amend the bill, if possible, as to make it acceptable, and so as to bear equally on the several sections of the Union, and that each section may receive equal benefits; but, to give it this effect, the bill must undergo material changes. Not only the article of hemp, but of very species of duck and cordage, and of spirits, must be stricken out, or materially altered, before he could give his vote for the bill. He should vote for striking out the article of hemp.

Mr. JOHNSON, of Kentucky, said, that the subject before the Senate involved political considerations which had, on his mind, a greater influence than the combination of all others. Domestic industry, said Mr. J., renders us independent, as to foreign nations, for the necessities and comforts of life. It derives its greatest value from the fact that it fosters and secures the public liberty.

In vain may we look for such daring spirits to defend our invaded country as appeared on the plains of Chippewa, and seized the laurels of New Orleans, if that country be destined to remain dependent upon powers confessedly hostile for the greater portion of what renders life convenient and honorable. In vain may we look for heroes willing to consecrate their hearts' blood to the service of their country, and for the vindication of its rights, if it must be their miserable destiny to be supplied only from foreign resources with the materials of defence.

It is high time, said Mr. J., to change the policy which we have pursued. The public voice loudly calls for it, and that voice deserves to be heard by the Representatives of the nation. We are addressed, indeed, in the ardent tone of pecuniary feeling, to allow the people to purchase merchandise where they can obtain it cheapest. Admit the propriety of this course: I feel myself at liberty, sir, to deny that the system which we have pursued has afforded us articles on the most moderate terms. Previous to the late war with Great Britain, and during the contest, our army and our navy were not only deficient in the comforts of clothing, when many of our citizens were not in a situation to construct them from the ample materials which our country supplies, but when merchandise of this description was found in our markets, the Government, as well as individuals, had to purchase them at the most extravagant prices, from four to ten times their ordinary current worth. It seems to me, sir, that we have im-

properly excluded from our dollar and cent calculation the effects which the policy of the late belligerent powers of Europe produced upon our commerce and our articles of merchandise. We are now enjoying the blessings which the welcome calm of peace ever introduces. We can purchase the manufactures of Europe on terms perfectly moderate. But, alas! in correspondence with the erring tendencies of the human mind, we have forgotten British Orders in Council, French, Berlin, and Milan decrees, those interruptions of trade and confiscators of property, and are chanting ourselves to repose. We are crying peace, peace, when we know not how soon destruction may come upon us. The sound philosopher, the distinguished statesman, must not look on society in relation merely to the passing moment; his view of the interests of his country must alike involve retrospection and anticipation. Not only is he bound to promote the prosperity of the present generation—the interests of the future are confided to his charge. If such considerations be the result of sound policy, it becomes us to take into our calculation the melancholy examples which our Revolutionary struggles and the inconveniences of the late war exhibit. The losses and the sufferings of the nation, during those periods, for want of domestic manufactures, would alone furnish materials for a volume. That season of gloom and trial induced many of our enterprising citizens to invest capital to a prodigious amount in manufactures of the first necessity, and conducting to the comforts and conveniences of our countrymen. A valuable home market was created for the consumption of the productions of our soil, affording to the farmer the means of independence, and enabling him to obtain an equivalent for his labor, in the articles which he could not furnish himself.

Mr. TAYLOR, of Virginia, replied to Mr. JOHNSON. He said the object for which our fathers fought was to free their children from tyranny and oppressive taxation. This protection of one State against another was but a plan to rob one to enrich another. In relation to the depression of the surplus of our productions in foreign markets, this bill, Mr. T. said, was no protection against it. The price of those commodities could only be fixed by competition. The best protection to cotton-growers would be to admit foreign fabrics freely, and thereby create a general demand for the article. This protection to our own articles was merely a tribute to capitalists.

Mr. VAN BUREN said that he rose for the purpose of explanation only; to reconcile his present vote with one he was prepared, and would, doubtless, be called upon to give on the question under consideration. He was in favor of increasing the duty on hemp with a view of affording protection to its cultivation in this country. He was willing to vote for a liberal but reasonable increase. The one proposed by the bill he thought was not of that character.

APRIL, 1824.]

The Tariff—Hemp.

[SENATE.]

The present duty is thirty dollars a ton, the one contained in the bill is forty-four dollars and eighty cents per ton, making an increase of nearly fifty per centum. Mr. V. B. could not think that the cultivation of the article in question required for its protection so great an increase of the duty; nor would a due regard to the other great interests of the country admit of its imposition. If, therefore, the motion of his friend from Massachusetts had been to strike out the rate of increase for the purpose of reducing it to a reasonable amount, Mr. V. B. would have voted for it. But his motion was not of that character. It was to strike the duty on hemp out of the bill, to which he (Mr. V. B.) was opposed. Whilst, therefore, he would vote against striking out, he was prepared to reduce the duty contained in the bill to an amount which, in his best judgment, would be just and politic.

Mr. TALBOT, of Kentucky, addressed the Senate.

Among the most prominent of the articles of agricultural growth, which, at the very commencement of our present Government, under our happy constitution, received this Governmental aid, are those of cotton, the manufactures of tobacco and sugar—the last of which articles, although not grown at the period of the adoption of this duty, and therefore not within the scope of that protection intended to be afforded to the others, has, in effect, received all that protection and fostering care of the Government in the perpetuation of this duty, which it could have done had it been within the view of the policy which dictated those duties on cotton and tobacco. The continuance of such duty since the period of its adoption, with so much success to a portion of our acquired territory of Louisiana, is founded upon the same considerations of a wise and enlightened policy, which gave birth to the co-equal imposition on those of tobacco and cotton, and entitles the other portions of the community, who do not participate in this rich and valuable production, to ask and expect from the growers of this, with the other enumerated articles, the same return of reciprocal good will, and a participation in the same advantages, by an extension of adequate protection in the cultivation of other agricultural productions peculiar to the other portions of our extensive and diversified soils and climates. That there is great distress prevailing in the agricultural classes of society, not only of the interior and Western States, but even in those of the Southern, heretofore engaged in a most profitable cultivation; that the foreign markets are glutted with the article of cotton, the result of which has been a continued and alarming depression in the price of this article; that the increased production of cotton, by its successful introduction in the Brazils, and in other portions of the recently emancipated provinces of South America, the luxuriant fertility of which, combined with the more auspicious and favored climates of our

globe, by increasing the competition amongst the growers of this valuable staple in these States, tends not only to diminish the profits of our cultivation, by increased competition in the markets, but so to overstock it as to annihilate entirely the profits of the cultivation, to draw us from the cultivation, and to overwhelm, in irremediable ruin, those portions of our population whose prosperity essentially depends upon this staple article.

If these facts are recognized on all sides, and acknowledged by these cultivators themselves, the violent opposers of this bill, does it not behoove them to pause, and consider well whether they themselves have not a common interest with every portion of this Union in the encouragement of domestic manufactures, to increase and extend the home market for this staple article, by which the domestic consumption of the country will increase and extend, not only the domestic manufacture, but the consumption of this raw material, the uses of which are so rapidly extending themselves through all classes of society?

But it is objected, by the honorable gentleman who moves to strike out this item in the bill, that this article of hemp cannot be produced and dressed in such manner and in such quality as to answer for the purpose of rigging our merchant vessels; that whatever may be the quality or capacity of the soil for its production, the length of the days, with the great warmth of the sun, in those parts of Russia where this article is cultivated, in which the sun is twenty-two hours above the horizon, is essential to the successful water-rotting of hemp, the only mode of preparing and curing this article which can fit and prepare it for the rigging of vessels; that the climate of Kentucky, unsuitable for this purpose, with the situation of its rivers, deeply imbedded, and flowing at great depths below the surface of the earth, with the fetid odor which exhales during this process of water-rotting, forbid all just expectation that Kentucky could ever produce, even with the protection of this bill, this article of proper quality for the use of our marine or navy.

These objections, Mr. President, however specious, are founded in mistakes and misconceptions, as regards the capacity of the soil and climate of our country, compared with those of Russia, as well as in the capacities, the qualities, and resources, of our countrymen, to surmount any real difficulties which may present themselves. As respects the first, nature has not been so niggard of her gifts, as the observations of the honorable gentleman would imply; for, I am still to learn, sir, if, indeed, the fact be so, that the country of the Ukraine, though blessed with a fertile soil and auspicious climate, well adapted to the successful cultivation of this important staple, and from which the importations of our foreign hemp are made, is endowed with any happy peculiarities for this purpose, with which the same munificent and Almighty hand has not spread its equal bless-

ings on our Western climes; although the hand of industry and successful cultivation has as yet developed, but in a comparatively small degree, the capacities which they present to the hand of industry, of labor, and of art, under the cultivation of her hardy and industrious sons. And permit me to correct a mistake into which the limited information of the honorable gentleman, in relation to the topography of Kentucky, has betrayed him; for, though it is true that the river Kentucky, from which our State derives its name, is sunk from two to three hundred feet below the level of the adjacent land; the channel being lined in many parts with white marble cliffs, beautiful and romantic in a high degree; yet, it is equally true, and equally known to all who have any knowledge of the face and aspect of our State, that, in this extraordinary tract, this river is peculiar there, and that not only the rivers, but creeks, rills, and branches, from which supplies of water are to be collected in dams and ponds, which, combined with the Summer sun, which remains above the horizon only fifteen hours in our happy clime, is believed to be quite sufficient to produce the effect desired, such partial decomposition of the vegetable gluten of this important staple as fits it for the brake, and which, with the proper dressing, will produce the article possessed of all the properties requisite for the manufacturing, not only the cable, and other rigging, but sails for our merchant vessels, equal to even that of Russia, or any other portion of the globe.

Mr. HOLMES, of Maine, wished all mankind was afflicted with the same distresses as the people of Kentucky. They have a fine climate and soil, and a great surplus of the productions of the earth; not so, he said, with the people of Maine—they have to work hard, and get but little produce for it. And now they are to be taxed by this bill to find a market for the Kentucky hemp; he explained the course which the article had taken in this country. A great deal had been said of domestic industry—he believed the industry of seamen and fishermen was domestic industry. The gentlemen from Kentucky had said that the duty was not prohibitory; they are willing not quite, but *almost*, to prohibit an article, scarcely a ton of which do they now produce. He denied all the positions which had been taken in relation to the balance of trade—nobody, he said, could understand it. It had been millions against us ever since he could recollect. The property had always been going out of the country; and what is the proof of this doctrine? He asked, if the proof was to be sought in the growing prosperity of the country, and the absolute accumulation of millions every year. He asked if the Navy, of which the gentleman from Kentucky had spoken, was peculiarly the property of the East? If the West had no protection to seek from it? As to the fortifications, almost all that had been made since he had been in Congress had been for the protection

of the West. The principal one of the East had been erected before the establishment of this Government. And, upon these grounds we are asked to impose a duty of forty-five per cent. on an article which we do not yet produce at all. Mr. H. thought this one of the most extravagant items in this most extravagant bill.

Mr. RUGGLES said this was framed, he believed, as a bill for the general encouragement of all branches of the manufactures of the country. He believed this item would not be as injurious to the Atlantic States as they seemed to imagine; he went on to show why it would not have so bad a tendency as was supposed; he thought that, at least, the advantage of furnishing the article for the Navy, and for the coasting trade, ought to be accorded to the Western States. He commented upon the advantages they possessed for the growth of this article, and the great benefits that would be derived to the country from its production. He could not believe the difference between the foreign and domestic article so great as to warrant the rise of the foreign article to the entire exclusion of the domestic.

Mr. EATON believed every gentleman had made up his mind on this subject, but he deemed it his duty to express his opinion in a few words. He admitted the positions taken in regard to certain branches of our trade, wherein there were very small exports, and increased imports. But, he contended that the balance of trade with England had been against this country ever since the war. He pursued his remarks upon the course of trade. He believed that more had been done for the commerce of the country than for all the other interests put together, and recurred to the tonnage duties, and other protecting measures, to prove it. He thought this one of the most important items in the bill, and he should consider it as lost if it was stricken out. When the hemp was out, the duck would go, and all the rest of the bill with it. He contended for such a degree of protection to the article as would encourage its domestic growth, without amounting to a prohibition of the foreign article. He referred to the price it had borne during the war, and thought it the duty of the Government to see that the nation was, in some measure, prepared for a state of war. He thought the only question in relation to this bill was, Whether we were willing to rely upon foreign nations for the necessaries of life, or whether we were to produce them for ourselves. The only way to make the community prosper, he believed, was to extend a general protection to all the great branches of employment. He believed commerce was never more depressed than at present. Our cities were filled with paupers; and yet we are to go to the workshops of Europe to get the articles we want for consumption. He conceived the policy of this measure to be necessary to protect us against that of other nations. It was not a matter appertaining to one section of the country,

APRIL, 1824.]

The Tariff—Cotton Bagging.

[SENATE.]

but it was a subject of great national concern.

Mr. KING, of New York, said that the imposition of this duty bore hard upon a particular interest of the country. If gentlemen wish to encourage the production of hemp and iron, they ought to bring in a bill to give bounties on these articles. The burden would then fall equally upon the community. There was the same constitutional right to pass an act granting bounties on these articles, as to encourage their production in the way proposed by this bill.

The question on Mr. LLOYD's motion was then put, and carried in the affirmative, by yeas and nays, as follows:

For striking out—Messrs. Barbour, Branch, Chandler, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—24.

Against striking out—Messrs. Barton, Bell, Benton, Brown, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, Melvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—23.

So the duty on hemp was stricken out by the Committee of the Whole; and the Senate adjourned.

FRIDAY, April 30.

The Tariff.

The Senate, as in Committee of the Whole, (Mr. KING, of Alabama, in the chair,) resumed the consideration of the unfinished business of yesterday, being the bill from the House of Representatives, "to amend the several acts for imposing duties on imports."

Cotton Bagging.

Mr. KELLY moved to amend the bill in the following clause: "On cotton bagging, four and a half cents per square yard, until the 30th day of June, 1825; and, afterwards, a duty of five and a half cents per square yard:" by striking out from it the words "until the 30th day of June, 1825; and, afterwards, a duty of five and a half cents per square yard."

Mr. KELLY supported his motion at considerable length, showing the impropriety of laying such duties as to force the manufacture of this article into existence; the improbability that hemp, from which the cotton bagging is manufactured, would be soon raised in this country, in any great quantity; as its cultivation and preparation for market was a dirty, unpleasant occupation, and uncongenial to a people possessing as many blessings, and as many more unpleasant means of employment, as are possessed by this people; that, if the people were disposed to engage in the manufacture, the

duties now existing afford sufficient encouragement; and that the article ought not to receive further encouragement, at the expense of the cotton grower.

Mr. HAYNE, of South Carolina, rose, and after some preliminary remarks, proceeded as follows: When, in 1816, the bill was introduced, which may be considered as the commencement of the "anti-commercial system," great alarm was excited, lest the principles now advocated, should, at some future period, be adopted in our legislation. The advocates of that bill expressly disclaimed any idea of introducing new manufactures into the country, much less of prohibiting the importation of any article from abroad. The argument then was, that in the infancy of any manufacture, it was necessary to give some assistance, to enable it to grow and acquire strength, but that such support would soon become unnecessary, and those establishments might then be safely left to the exertion of their own energies. The act of 1816, though now called by the gentlemen on the other side, "prohibitory," and, therefore, held up as an example, imposed duties, then deemed merely sufficient to enable existing establishments to bear up against the pressure of the times, but it was expressly provided that those duties should be subsequently diminished. Thus, on all manufactures of wool and cotton, (except blankets, rugs, and stuff goods,) a duty was levied of 25 per cent. until the 30th of June, 1819, and of 20 per cent. after that period. The object was not to prohibit, but protect—to give assistance in infancy, not to support manhood—to afford succor in distress, not bounties in prosperity. Baldwin's Tariff recognized these distinctions, and expressly provided for the diminution of the duties after three years. But the mask has now been thrown off. The new principle of *progressive duties* has been introduced into this bill, and this amounts to a distinct acknowledgment that the object now is, not *competition*, but *prohibition*. I wish to call the serious attention of the Senate to this feature of the bill—now introduced into our laws for the first time.

The first objection which I shall urge against this policy, is, that it assumes, that Government is capable of regulating industry, better than individuals—a position which is wholly untenable. From the nature of things, labor and capital should be permitted to seek their own employment, under the guidance, entirely, of individual prudence and sagacity. Government, from the very elevation of its position, is necessarily incapable of taking that close view of the subject, and obtaining that accurate knowledge of details indispensable to a judicious determination of the relative advantages of different pursuits, in any community. This depends so much on local circumstances, that personal observation and individual exertions are alone competent to the task. In the domestic concerns of nations, as of individuals, it is sufficient that men are prevented from

trespassing on the property, or invading the rights of their neighbors. In all other respects they should be left entirely free. If any doubts existed on this point, I should have supposed that the most superficial observer would have discovered, in the progress of this bill, conclusive evidence of our utter incapacity to accomplish the task we have assumed. Though surrounded by manufacturers, generously willing out of their abundant stores of knowledge and experience to supply all our deficiencies, have we not found it impossible to penetrate the veil thrown around the pursuits in which they are engaged? I will appeal with confidence to the Senate, and ask, whether the most notorious facts have not been denied or perverted, and the most contradictory statements submitted, and whether we are not at this moment left in profound ignorance, not only of the actual rate of profits, but of the true condition of every branch of manufacturing industry? We cannot know, therefore, either the degree of protection wanted, or the best means of extending it. Are not the provisions of the bill exactly conformable to this state of our information? I will venture to assert that no bill was ever introduced into any legislative body in this, or any other country, composed of such heterogeneous provisions, and contradictory principles. Here is said to be a "flourishing manufacture," and, therefore, it is to be encouraged; here is "a languishing establishment," and it must be sustained; while such as have no existence, are to be created; some, because they require much skill and large capitals, and others, because they require neither skill nor capital. Some branches of industry are to be encouraged because others are "overdone," but these must also be protected "against foreign competition threatening to destroy them." There are duties on the manufactured articles, and duties on the raw material; and, in short, the whole bill is a tissue of inconsistencies. In attempting to gratify the wishes of interested individuals, we are legislating in the dark, distributing the national funds by a species of State lottery—scattering abroad bounties and premiums of unknown amount; and all this, without the rational prospect of producing any effect, except that of sowing the seeds of dissension among the people, and thereby introducing mischiefs which may last to the remotest generations. We are opening a Pandora's box of political evils which, when they have gone abroad, will not even leave hope at the bottom.

This system of regulating, by law, the private pursuits of men, or, what amounts to the same thing, passing laws for increasing the profits of certain employments, and lessening the profits of others, thereby driving men from the pursuits of their choice to those which the Government is pleased to favor, has, it is true, been sanctioned by the practice of other nations, and comes down to us from the remotest ages. But I consider it, sir, only as a part of that system of tyranny and arbitrary rule, to which men

have been subjected in every age. If it has become venerable, it is only from time, and, like monarchy, has no claims to our respect but its antiquity. I admit, that, in England, the industry of individuals has always been thus regulated. We know, that in that country emigration is, in many cases, prohibited; that the wages of labor, and employment of capital, and even the price of commodities, are, in various ways, directed and controlled. In other parts of Europe, the doctrine of regulation is carried still further, and a man's religious and political opinions, as well as his pursuits, are taken "in the holy keeping" of those whose only qualification for the task consists in their anxious desire to keep down the aspirations of the immortal mind.

Sir, it would afford matter for curious speculation, if the various regulations by which men have been controlled in their pursuits, could be presented in one view to our consideration. In England, we find that, in the reign of Henry IV., the Crown was authorized, by an act of Parliament, to order "one rood of flax or hemp to be planted for every sixty acres cultivated in other grains," and this was done for the purpose, as it is quaintly expressed, "of making of nets and eschewing of idleness." But, it is in the East that we find the system, advocated by the gentlemen on the other side, carried to the greatest perfection. Without dwelling, however, on this topic, I will concede all the gentlemen can ask: I will admit, that Governments have everywhere, and in every age, presumed to regulate man in all his pursuits. Every thing connected with his existence, from the cradle to the grave, nay, beyond the grave; the language he shall speak; the food he shall eat; the trade he shall follow; the place in which he shall dwell; the opinions he shall cherish; the books he shall read, and the God he shall worship; every thing, in short, which belongs to him as a created being, is the subject of arbitrary regulation, and man is made a creature without heart, or soul, or mind—a mere machine, obedient to the will of the human artist who puts it into operation. But, sir, we were taught to believe, that the establishment of our Government formed a new era in the history of the world, and that the practical operation of our constitution was destined to exhibit a splendid example of the perfection to which man would attain, when freed from the shackles which had been imposed on him in other countries. We were taught to expect that a Government, instituted by a people, and administered for their benefit alone, where the human mind would be left without restraint to pursue its own happiness in its own way, must, by its good fruits, recommend a free system to all nations. I can well recollect, sir, that, among the first lessons instilled into my mind, that which made the deepest and most lasting impression, was to consider the Republican Institutions of my country, like the air we breathe, as bestowing life, and health, and happiness,

APRIL, 1834.]

The Tariff—Cotton Bagging.

[SENATE.]

without our being conscious of the means by which these inestimable gifts are conferred; like the providence of God, unfelt and unseen, yet dispensing the richest blessings to all the children of men. But these, we are told, are the illusions of the imagination. Man cannot be safely left to mark out his own course to happiness; but here, as elsewhere, the various employments of industry and capital must be so artificially arranged and balanced, as to produce results to be prescribed by law.

To understand the true remedy for existing evils, we must ascertain their nature and extent, and know the causes which produced them. I beg the indulgence of the Senate whilst I prosecute these inquiries. And here, I insist, that the pictures of the great distresses and acute suffering of the people are exaggerated. All classes of our people are supplied with food—not, as in many parts of Europe, of a single kind, and of insufficient quantity, but in great variety, and in vast abundance; they have convenient dwellings, sufficient fuel, and warm and comfortable clothing, and these blessings are possessed to an extent which leaves no room for complaint in any part of the country. We possess, too, the means of educating our children; colleges have advanced with a rapidity heretofore unexampled, and common schools are daily springing up even in the wilderness; a religion, pure and undefiled, sheds its blessings on our heads, and, to crown the whole, the spirit of liberty walks abroad in our land, crushing the oppressor, inculcating the lessons of wisdom and of virtue, giving protection to the weak, and security to all. Now, if any monarch in Europe could, by pursuing a wise and liberal policy, bring the mass of his subjects into this condition, he would be followed by the blessings of his people, and would command the admiration of the world.

When I admit, therefore, that the country is in a state of depression, I must not be understood as conceding that there is any want of the necessities or conveniences of life. No, sir, that depression consists entirely in diminished prices for the produce of our labor, and is not confined, as gentlemen have supposed, to certain places, or to particular employments, but embraces the whole country, and is almost equally felt by all classes in society. It is also lamentably true, that men in the middle and higher ranks of life, are considerably involved in debt, and I will certainly not attempt to deny that these are evils of great magnitude, or that they have produced, and must continue to produce, serious embarrassments. Now, in searching for the causes of this state of things, it is not a little astonishing that gentlemen should pass over the great political events which have obviously placed the United States in a new position in relation to the rest of the world, and should look entirely to temporary circumstances and transient causes; such, for instance, as the "balance of trade," and the "drain of specie."

The fact, that, from the commencement of the French revolution to the fall of Napoleon, the United States occupied a neutral position, and enjoyed the privilege of monopolizing the carrying trade, and commanding for her bread-stuffs the markets of the world, would sufficiently account, not only for the rapid growth and extraordinary prosperity of our country, but also for the temporary depression which must result from the loss of these advantages. Our fields have almost literally been fertilized by the blood of Europe; we have fattened on the crimes of her tyrants, and the sufferings of her people. This has resulted entirely from our peculiar and felicitous situation; a nation at peace, with a salubrious climate, a rich and varied soil, and a rapidly increasing population, protected and fostered by a free Government, and liberal institutions; whilst all the rest of the world was involved in the horrors of war. That an increase in wealth beyond all former example, and in general prosperity without a parallel, should have sprung out of such a state of things, was natural, and, indeed, inevitable. The consequence, however, of this forced prosperity, was that the wages of labor and the interest of money became extravagantly high, foreign capital and skill were attracted to our shores, and a premature impulse being given to industry, results were produced so surprising, as to border upon fable. American enterprise, like the lamp of the magician, converted every thing it touched into gold; the growth of centuries was attained in a few years, and from youth, the nation sprang up at once, and attained not only the vigor and strength of manhood, but a giant's stature. It was the necessary consequence of the state of prosperity which I have described, that habits of expense should be formed which nothing but extraordinary profits could support. Every thing was conducted on a liberal scale, and the original curse, "that man should eat his bread by the sweat of his brow," was unfelt and forgotten. At the very moment that we were indulging in golden dreams of endless prosperity—the restoration of tranquillity to Europe, and the return of all nations to the arts of peace, brought her subjects at once into competition with our merchants and farmers, in all those pursuits from which they had reaped such rich rewards. The loss, in a great degree, of the foreign market for our grain, and of the carrying trade; the loss, in one word, of our neutral position, produced a change in the condition of the people, which could not fail to be severely felt. This change, which would, under any circumstances, have been painful, has unfortunately been rendered peculiarly oppressive in some parts of the country, by the unsettled state of the currency—the multiplication of banks—the extensive issue of the paper money, and the unjust interference of the Legislatures of some of the States, to prevent the enforcement of debts. In some of the Western States, for example, paper banks were established, and

SENATE.]

The Tariff—Cotton Minimums.

[MAY, 1834.]

money issued to an extent almost incredible. In one of those States, forty banks were incorporated by a single act of the Legislature; they were located in different parts of the country—an immense amount of paper was issued and circulated—the farmers were tempted to borrow and indulge themselves in the most extravagant expenditures, and when this evil had reached its height—their local banks (having, by their worthless paper, driven all the specie out of the country) stopped business, and left the people to pay their debts how they could.

The question on Mr. KELLY's motion was then put, and decided in the affirmative—yeas 28. So the highest rate of duty proposed on cotton bagging was stricken out.

TUESDAY, May 4.

The Tariff.

The bill from the House of Representatives, "to amend the several acts for imposing duties on imports," was again taken up for consideration, in Committee of the Whole.

Cotton Minimums.

The question was upon the motion submitted yesterday by Mr. ELLIOTT, to amend the bill, by striking out the proviso, which establishes the minimum upon which the duties on cotton cloths and cotton twist, yarn, or thread, are to be calculated.

Mr. TAYLOR, of Virginia, spoke as follows:

Mr. President: The honorable Senator who has just sat down (Mr. RUEGLES) has selected the cotton manufacture, as indicating, by its success, both the course we ought to pursue as to the woollen, and even as to the entire system, without discriminating between the facilities attached to cotton, and without taking any general view of the consequences to be expected from the entire bill. Each of its items is said to be a national object, and each of its speculations, however local or selfish, conceals its true character, by assuming an epithet used by avarice to deceive ignorance. There is no better mode of detecting the artifice, and anticipating its designs, than that of reviewing the projects which have heretofore promised national blessings, and inflicted national calamities. Of these I have seen a succession, calculated to raise up a pecuniary aristocracy, at the expense of labor and industry; while each project as loudly protested that it only contemplated the good of the nation, as is done by the several items of this bill.

The first of these projects occurred on the establishment of this Government. The Revolutionary war had thrown into circulation a paper currency, State and Federal, of various denominations, such as paper money, certificates, and final settlements. Everybody had obtained some of these currencies, and all had greatly depreciated. Under the pretext of establishing national credit a combination of men was formed, who ingeniously got possession of certain

descriptions of these currencies, and effected a conversion of them, both principal and interest, into specie; leaving the great bulk of paper currencies, founded upon assurances equally solemn, and circulated by the same necessity, to perish without redemption. This mass being diffused among the people, the purpose of the proposed national project would not have been effected, had the same degree of justice been rendered to all. Next followed, for the national good, also, the assumption of the State debts; but it resulted in giving a specie value to such portions of State currencies as had been monopolized, and leaving the rest to perish. Banking was the next project brought forward, also for the national good; and how far it has fulfilled this profession, or whether it has only effected its real design of transferring wealth from industry to fraud, the Senate knows. A tariff, to introduce and nourish manufactures, was the next national project. It professed a detestation of every mercenary view; and patriots—disinterested patriots—were even dug out of the earth in geological masses. The pension law was the last project which I shall recur to, in order to illustrate the pretext of national good, always used and seldom fulfilled.

In order, sir, to display the effects of this succession of national projects, I have prepared an account, every item of which is extracted from, or sustained by, documents from the several departments, but chiefly from the returns of the Senate's resolution on the first day of March, 1823, which I had the honor to propose, for the purpose of obtaining facts to be used upon this subject, expected to occur at the present session.

But, before I adduce the account extracted from these returns, I must premise that the contrast thereby exhibited between nine and seventeen States is by no means intended as a complaint against the former, as States, on account of the great pecuniary advantages they already enjoy. These, so far as they are derived from the legitimate sources of superior skill and industry, do not excite any envy in the Southern States. Far from grudging them their just acquisitions of wealth, we participate in these genuine exhibitions of prosperity, and rejoice in the success of their honest industry. We complain only of legislative frauds, by which our property to a great extent, and theirs to some amount, is transferred from poverty to affluence—from labor to ease—and from industry to idleness. We complain, independently of the gross oppression thus inflicted upon individuals, that this policy is merely a copy of the English combination between the Government and capitalists, and only tends towards the establishment of a pecuniary aristocracy, such as that produced in England by the same process. We complain that this policy, so oppressive to a majority, and so adverse to the principles by which alone a just and free government can be preserved, has already proceeded here with such vast strides as that this legislative grant has become a match—perhaps an overmatch—for agricul-

MAY, 1824.]

The Tariff—Cotton Minimums.

[SENATE.]

ture, ship-building, and commerce, united. We believe that this aristocratical pecuniary combination will constitute a more oppressive government here than in England, because there it can only intrigue with a very few interests; whereas here it can enlist geographical and local interests, as instruments to work on its side and provide for its avarice. In England, the agricultural interest is very different from ours—it is that of landlords, united by one impulse, too powerful to be coerced, and requiring equivalencies. Here the agricultural interest is divided by climates and dissimilar products. The legislative pecuniary aristocracy here may therefore enlist auxiliaries by local partialities, which it cannot do in England. It may get votes by indulgences to wool-growers and hemp-growers, and draw recruits from agriculture itself, to fight in its mercenary ranks. This fact forcibly illustrates the intention of the constitution in giving to Congress a power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes;" to use the word *commerce* in accordance with the principles of the Union and the local independence of the States; to use it in the same sense obviously annexed to it in the cases of foreign nations and Indian tribes. As a pecuniary aristocracy could not convert these nations and tribes into victims for feeding its avarice, in virtue of the word *commerce*, so that word was never intended to invest it with a power of rioting upon the entrails of devoted States. The uniformity required in the imposition of imposts and other taxes, corresponds with a construction of this word which leaves unimpaired the local justice and security intended to be established by this uniformity, and visibly interdicts the destruction of one of the plainest principles of our Federal Union, by giving to a single word, used in a particular case, and limited to a special application, a meaning which would obliterate substantially the uniformity required, and expose the members of the Union to the frauds and oppressions which this rule was intended to prevent.

I return to the account presently to be exhibited to the Senate. It consists of a retrospective view of the projects called *national*, by which the nation has been deluded to submit to an unconstitutional tribute, both fraudulent and oppressive. Sir, it is right to follow the example of one of the freest nations commemorated by history, in calling a spade a spade. The capitalists, however, whose *welfare* is not recited as an object of taxation by the constitution, have, with wonderful ingenuity, persuaded us that a spade is a punch-ladle; and whilst they are loading us with tools to be laboriously used for their benefit, contend that spades, ploughs, and pitchforks, are instruments of luxury, filled with excellent viands, for the gratification of agriculturists. This exceeds the ingenuity of Lord Peter, in Swift's Tale of a Tub, who contended that a crust of bread was a leg of mutton—both of these might be eaten.

VOL. VII.—37

The whole amount annually drawn by the nine from the seventeen States is \$28,456,585 according to this statement. Of this sum, \$12,628,014 is imposed by legal contrivances, and \$15,828,572 gained by tonnage and importations. Is a policy beneficial to the people of the nine States, by which they are exposed to a risk of losing the income they derive from tonnage and importations, for the sake of extorting a tribute from industry, amounting to \$7,865,650, of which they must pay a portion, to be bestowed upon a capitalist interest?

The Senate will observe that the results of the computation are probably too low to a considerable extent. No profit is charged on the advance of duties by the nine States, though, as these are added to the cost of the goods, and long credits given for them, they must produce a large profit. No coasting tonnage profit is charged, though that also must be great. The bounties to the fisheries are noticed. One-half of the manufacturing capital is deducted, and the profit only computed upon the other half. The profit made by the nine States from the Bank of the United States is certainly too low. The charge of one-seventh of tonnage and importations to the seventeen States exceeds the reports. And the gain of ten per centum on the commercial business done by the nine for the seventeen States is probably too low, as it includes both the profit made on goods sold, and on products purchased. It will also be discovered, by gentlemen better acquainted with the subject than I am, that sundry items which would have increased the inequality, are omitted in the account.

Sir, the deficiency of tonnage and importations in the seventeen States must arise from some cause. They have water, wood, and iron, and yet are almost without ships or commerce, except at the three points of Baltimore, Charleston, and New Orleans. What can this cause be but the annual drafts from their capital? Before these drafts were carried to their present enormity, the Southern States imported chiefly for themselves, and had begun to build vessels. Why is it that the enumerated points suffer less by this defrauding policy than the other parts of the seventeen States? Because Baltimore and Charleston receive a considerable share of the tribute it imposes, and New Orleans is too far from the nine States to have its commerce intercepted. But even these points suffer considerably by the drafts coerced from the people, upon whose prosperity theirs depends, for patronizing a pecuniary aristocracy by fraudulent laws.

Sir, it has been said, that, if the seventeen States did not employ Northern importers and tonnage, they must employ British. But this would not follow, unless Britain could prevent them from importing, or building ships, by legislating away their capital, as she did before the Revolution. Factories cannot be built, nor manufactures carried on, it is said, without capital. How, then, can ships be built, or the im-

porting business be carried on, by the seventeen States, whilst exposed to an enormous annual draft from their capital? Protection means only capital or monopoly. Do not commerce and ship-building languish in the seventeen States? Why, then, take away protection from them, if capital must be called by that treacherous name?

It is also said that the balance of trade with foreign nations is against us; and this being assumed as a fact, it is repeatedly urged as a conclusive argument in favor of the tariff. The argument is, however, generally admitted to be delusive. A commercial balance of trade cannot be measured by money nor by custom-houses with accuracy. The prices at which the exchanged commodities sell, and the difference of labor employed in their production, owing to different climates and soils, go deeply into the subject. As it is impossible to discover these, and many other facts, necessary to bestow certainty upon the estimate, the conclusion assumed is obviously a deception. But, admitting it to be true, how stands the balance of trade between the nine and the seventeen States? If a balance of trade between nations and the United States is ruinous to the latter, will a balance of trade against the seventeen States, and in favor of the nine, enrich the former? There is, however, an obvious distinction between a supposed pecuniary balance arising from commerce, and a pecuniary balance arising from a tribute. Although the former cannot be correctly measured by money, the latter may. Thus it may happen that the apparent balance in favor of the nine States may be somewhat diminished by the inexplicable operations of commerce, whilst the tribute paid by one country to another, by a nation to a despot, or by the seventeen States to a pecuniary aristocracy, admits of little or no compensation. The latter constitutes a balance, not of a commercial character, but between industry and oppression, paid by one, and received by the other. It is true that both banking and the tariff, which operate in the same way upon these objects, promise a compensation to industry, as an indemnity for their spoliations, and we have now been in search of this indemnity for above twenty years. Have we found it? Industry relies upon faith alone for salvation, like an ultra Christian, and rejects visible works as wholly ineffectual. The Deity may reward us for our faith; but what proof did a pecuniary project or an aristocracy ever give of a title to this divine attribute? Alas! poor human nature. Where is its boasted intellect or dignity? It wants clothes, and strips itself to adorn an aristocracy. It wants food, and starves itself to feed an aristocracy. It wants drink, and thirsts to drench an aristocracy. It wants a circulating currency, and to obtain it, pays to an aristocracy annual millions for a fraudulent one. Could it deprive itself of air and water for the same reasons, it would probably give further proofs of its wisdom, and render its

manufactory of privations for itself complete. And it is induced to suffer all these privations by the delusion of an imaginary balance of trade with foreign nations.

History offers us many proofs that this balance is imaginary. I shall cite but two. Russia was raised from barbarism and poverty to civilization and wealth, by exchanging her agricultural products for European manufactures during several centuries. The same commerce, previously to their revolution, enabled the provinces to subdue a wilderness, and to obtain unexampled prosperity and happiness. This arose from an exchange of agricultural for manufactured products, by which exchange mutual demands were created, and mutual wealth and happiness diffused. It might be difficult to ascertain whether Britain or the provinces flourished most during the period that this commerce was suffered to regulate itself. Then there were no banks nor tariffs to rob agriculture of its income, and enrich an aristocratical order of men; and exchanges, although confined to Britain, embraced such a multitude of individuals, as to endow the provinces with happiness and an ever-growing prosperity. At length, Britain, discerning the rapid acquisitions of the provinces arising from these commercial exchanges, became envious of their wealth, and resolved to fleece them of it by taxing them to enrich herself. She resolved to constitute herself by laws into a pecuniary aristocracy, and supplant the effects of commercial exchanges, by creating the oppressive balance measured by money. Such a tribute would have been precisely similar to the tribute imposed by banks and protecting tariffs, to bestow money on an internal aristocracy. But our gallant and wise ancestors, discerning the difference between a tribute to an aristocracy and commercial exchanges, took up arms to repel the former project in its infancy, and free themselves from the meditated oppression. Can we, their sons, discern no difference between paying taxes to enrich domestic pecuniary combinations, or to obtain the blessings of a just and free Government? Will taxation, for the coffers of wealth, pay the national debt, or transmit the same degree of liberty to our descendants, which we received from our forefathers? Have we so degenerated, as to be blind to that futurity to which their foresight extended?

A curious pair of reasons is urged in defence of the protecting tariff project. It is often said that competition will destroy prosperity, and also that it will produce it. In support of the first assertion, the manufacturing factories loudly urge the prosperity they enjoyed in periods of war and embargo. In support of the second, they insist, that competition among themselves will in time produce national prosperity, by recreating the violated justice of a fair principle. But why is this hostage for protecting property, by securing it against the aggressions of legal frauds for transferring it to

MAY, 1824.]

The Tariff—Cotton Minimums.

[SENATE.]

avaricious capitalists, to be suspended in order to revive it? Why should it be killed now, from a hope of a joyful resurrection?

The regret for the loss of war and embargoes expressed by the factory capitalists, is an illustration of the prosperity to be reaped by a pecuniary aristocracy from the destruction of competition; and the joy expressed by the people on the restoration of their prosperity when these calamities ceased, is a proof of the general prosperity produced by competition. A protecting duty tariff is, in fact, a war or an embargo in disguise, producing partially the very same evils produced by similar causes, under different names. The degrees or extent of these evils, does not alter their nature, however they may graduate the calamity; just as the same cause graduates the fluctuations of quicksilver in a thermometer, partial monopolies produce mischiefs comparative only in relation to complete monopolies, produced by wars and embargoes; but they are founded in the same principle, and, if pushed to their utmost extent, would terminate in the policy of a perpetual war or embargo. They are less expensive to the people, and less destructive of their wealth and happiness than complete monopolies, but, though a more tolerable oppression, they are still oppressive.

The enormous extent of this oppression, in reference to the seventeen States, will be seen, by recollecting the account which I have stated to the Senate. By that it appears clearly, I think, that the capitalists created and nurtured by laws, residing in the nine States, are now annually receiving above twelve millions drawn from the seventeen. This considerably exceeds the taxes paid by the nine States, and therefore, if States were only to be considered, in estimating taxation and distributing money by laws, it is apparent that the nine States pay no taxes at all, and are, indeed, receiving a tribute from the seventeen, because the acquisition of the pecuniary aristocracy residing within the nine States, exceeds the sum paid by these States in taxes. The observation, however, does not apply to the people of those nine States, who are not pecuniary capitalists. They are defrauded by their contributions to the legal aristocracy, but not to the same extent with the people of the other States.

I return, sir, to the doctrines of competition, contending that it is both good and bad. The capitalists, whilst courting agriculture for the sake of her fortune, are obliged to advance contradictions, by first telling her that protection against competition is necessary for their prosperity; and then, that a destruction of this protection by competition is necessary for the prosperity of all other interests. And agriculture, as if blinded by love, has been for years the dupe of this kind of reasoning. Admitting that competition between nations is a bad thing, and that a national monopoly is a good one, it does not follow that internal monopolies, by which one neighbor robs another, are also good. But,

excluding the idea of monopolies inflicted by ourselves upon ourselves, upon the whole industrious class of society, to enrich a very few of its unproductive members; let us admit that it is wise policy in one nation to establish a monopoly which shall bring into its coffers the industry of another, and very foolish policy in the plundered nation to submit, like ignorant savages, to the operation. Here we have twenty-six nations concerned in this scramble for money. If it is wise for nine of them to get it from seventeen, by a long list of tariff monopolies, would it not also be wise for the seventeen to keep their own money, if they have any means of doing so? But how can they do it? By the same means which are used, as is said, to prevent a British nation bringing their manufactures here to get away the money of an American nation. A Virginian nation may use these means to prevent its money from being carried off by a Rhode Island, or any other nation. The notion that the twenty-six States are but one nation, is similar to an assertion that the kingdoms and principalities of Germany, probably as numerous, constitute but one nation, and, therefore, that there would be no harm if some of them could get the money of the others by monopolies or protecting duties. If this was attempted, would not some members of the Germanic Confederation be justifiable in using the means to keep their money, used by others to get it?

Tariffs, operating internally, are simply excises, with only one difference; the former cut off or take away money from some citizens to give it to others; the latter transfer the money to a Government. I remember, however, the case of an excise which happened whilst I was a youth, bearing a great similitude to a tariff. At that time, in the country where I lived, there were great bodies of uncultivated lands called ranges, very convenient for raising hogs. But it unfortunately happened that a race of men appeared who introduced the habit of excising this agricultural product most severely. At length a hog raiser agreed to give the hog exciser ten per cent. of his annual crop of hogs, if he would consent to his keeping the rest for his own use. After a year or two, the hog exciseman told the hog owner that he could not prosper without further protection, and the hog owner, thinking it better to save some of his hogs than none, agreed to give him twenty per cent. of his hogs if he would let him keep the rest. But the hog exciseman was rendered by this twenty per cent. still more eager for further protection, and demanded thirty, which was also given by the hog raiser. Even this did not satisfy this tariff or exciseman, and his demands became so extravagant that the patience of the hog raiser was exhausted, and in great anger he resolved not to submit any longer to the imposition.

Now, what is to prevent the States, whose agricultural profits have been excised and excised, time after time, by tariffs upon tariffs,

SENATE.]

The Tariff—Cotton Minimums.

[MAY, 1824.]

until they are nearly or quite out off, from using excises, for the purpose of saving these profits. If a thief is in the habit of cutting away the purses of a whole community, surely that community may prevent him from bringing his knife among them. By the constitution, the States may, undoubtedly, lay excises to prevent the tariff knife from cutting away their purses. They may extend these excises, as a tariff is extended, to prohibitions. If it was patriotic and magnanimous in Patrick Henry to exclaim "we must fight" rather than submit to some trifling tariffs, or excises, or taxes, imposed by England on the provinces, will it be also magnanimous and patriotic in States, which are not provinces, to submit to the perpetual payment of an imposition a thousand fold greater, to obtain the tyranny of a pecuniary aristocracy? It was said, that as God made iron ore, it would be impious not to use it, and that the tariff, as to iron, is necessary to avoid the crime of neglecting to cultivate the design of Providence. God also made the sea. Is it pious to intercept the comforts and blessings which it was intended to distribute throughout the world, by a tariff? To the same divine creation a man is indebted for two hands. Would it be pious to transfer one hand from some men to others? A tariff to enrich a capitalist interest does this, since there is no difference between taking away the hand itself, or what it produces.

But it is fortunate that the States need not fight to prevent the hands of their people from being amputated. They may impose prohibitory excises upon the factory-knives which cut away their purses. They may extend such excises to the four-footed animals coming from those States which have fortuitously concurred in whetting those knives. The latter is indispensably necessary to save the remnant of a perishing agriculture, in the States which receive little or no share of the factory bounties. Although they cannot raise horses, hogs, and cattle, and the tariff principle, which dictates the exclusion of foreign competition to the factories for the encouragement of manufactures, dictates to the suffering States the exclusion of agricultural competition, for the encouragement of their own agriculture, by prohibiting the introduction of all animals which they can raise themselves.

Sir, the trade in live stock has been, and might continue to be, a highly beneficial one to the Western States, and yet they are about to destroy it by impoverishing their customers and compelling them to raise those stocks for themselves, under the notion that the tariff bill will convert the Western people into manufacturers. Europe was led into a competition with the Turks for the Holy Land, by a monk, who is said, by historians, to have been a mighty orator, and, after a vast expense of blood and treasure, the competition failed, because, on the part of the Europeans, it was an effort to break down the laws of nature. So will terminate the fatuity of the Western States. The laws of

nature will inevitably frustrate their fanciful competition with the Eastern States, in manufacturing. They are remote from the ocean. Industry is not as necessary to the same extent for their comfort, as to the Eastern States. Centuries will elapse before their population will become sufficiently dense, to create the stimulus of want. And long, long will it be, and may it be, before a high-minded people shall sacrifice the happiness and comfort of possessing the rich valleys of the Mississippi, and of its tributary streams, spacious enough to constitute an empire, for the purpose of waiting upon spindles, plunging into a hopeless competition, and placing upon a throne the tyrant called a pecuniary aristocracy.

Sir, the Western States have already tried the experiment, and are writhing under its lash. What has the existing tariff done for them? It has for years, with inexorable consistency, taken away the money annually gained, to a great amount, by their live stock trade. Had the Western States, during this period, manufactured for themselves, instead of pursuing the phantom of manufacturing for others, this money would have accumulated, and their distresses have long since disappeared. Instead of this, they have fostered the system of a capitalist or aristocratic privileged interest, and this system has swallowed up both their money and the money of the Southern States, the diminution of whose prosperity diminishes theirs. Severely lashed by the existing tariff, they expect a cure for their wounds from repetitions of the same afflicting experiment. They have engaged in a crusade to acquire wealth and liberty by endowing a pecuniary aristocracy, not attended by the poor equivalent of residing among them, with above twelve millions, annually, already, and now they propose greatly to increase the slavish contribution. They will, ere long, begin to compute and compare their waste money and liberty upon this project, with the money and liberty they will gain by a tax upon hemp and cotton bagging.

For, in truth, this is not a tariff bill to encourage manufactures. It is a bill of bargains, to enrich a pecuniary aristocracy. This aristocracy is a polygamist, and is, by this bill, courting a number of local interests, with a design to marry them for the sake of their fortunes; and, as Spindle attempted with Lady Truman, it proposes to bribe them with small portions of their own estates, to get the rest for itself. Only give me, says the generous husband, about sixteen millions per annum out of your estates, and I will give to one sweetheart, because she is a sturdy lass, and has great influence, two taxes, one upon hemp and another upon cotton bagging, by which means the dear girl may get pin-money, and even depreciated paper. To another gentle shepherdess, I will give a tax upon wool. To a virago, a tax upon iron; and to a seafaring nymph, sundry little intricate trinkets. Well, the courtship may succeed for a time, but I foretell that these marriages will

May, 1824.]

The Tariff—Cotton Minimums.

[SENATE.]

not last long, and that the avarice, infidelity, and insolence of the husband, will, in this inquiring country, very soon bring about divorces. Indeed, he is a species of helpmate who is always ready to repudiate a wife, if he can thereby get another who will bring him more.

I do not think that this is a question having any relation to political economy, or that the intricate distinctions upon that subject apply to it at all. On the contrary, it seems to me to be one proposing only two very plain considerations for public attention. Will a pecuniary aristocracy preserve a free form of government? Will it dispense individual justice? Already, by imposing upon ourselves a multitude of privations, we have raised this species of aristocracy to a power so formidable, that our newspapers have almost become its property; our tables groan under its presumptuous petitions; geographical districts are swayed by its patronage; and it is now attempting to impose an oppressive law upon all other interests, for the sake of extorting from them an enormous additional tribute for itself. If this new power, created by our laws, should already prove too hard, either by cunning or corruption, for the other interests of society, the question whether it ought to be submitted to or demolished, will next present itself to the people of every State. Then they will everywhere consider whether land is not the most valuable of all machines; whether it is not the basis or raw material for a long catalogue of the most valuable manufactures; and whether protection should be withheld from it, and its own capital transferred to the protection of other less important interests; especially when it is notorious that this policy or fraud has been persisted in, until the profit of agriculture is in some parts of the country destroyed, and in others so greatly diminished, that capital everywhere flees from land, as if it was a grave yawning to swallow it up.

But there remains a more weighty objection to the system for nursing a pecuniary aristocracy into a political giant. It destroys substantially the essence of representation, and leaves only its form remaining. Wherever the aristocratic influence begins, there representation ceases. If this influence can sway legislative bodies, no effectual representation exists. All writers agree that the despotism of one country or district over another, or a geographical tyranny, is more cruel than a monarchical. Rome and Britain are witnesses to the fact. Our constitution intended to abolish both geographical and monarchical tyranny. The uniformity of taxation was its precaution against the former. But, if a capitalist interest can influence representation, and mould the laws to enrich itself, representation becomes both its instrument, and a bandage over the eyes of the people. There is no representation unless the representative shall participate in the burdens which he imposes, and is prevented from creating monopolies of which he may share. Under our constitution neither territories nor representation

were intended to be consolidated; or law, geographically partial, to be enacted. It was never intended that the West should be the guardians of the East, nor the North of the South, nor that the specious but false idea of a national representation should be used to abolish a real representation, upon which a republican government must be founded, or finally cease to exist. Will it be said that a capitalist or pecuniary aristocracy have obtained a tribute of twelve millions annually without a revolutionizing influence over representation, and that, without such an influence, it may now add four or five millions annually to this tribute; or will it be said that this influence, compounded of a complication of bargaining between avaricious combinations and deluded geographical districts, between wealth and want, between cunning and ignorance, between fraud and delusion; in short, between the destructive meteor called a capitalist aristocracy, and those whom it bribes, that it may plunder about an eighth part of the globe? Will it be said that this influence is that kind of representation which will preserve republican government, and relieve the universe from tyranny?

Mr. LEYD, of Massachusetts, spoke in support of the amendment. He believed there had been, at no time, more specie in the country than at present. He spoke of the low rate of interest at which money could be obtained. He asserted that, to the best of his knowledge, the cotton manufactories of New England were generally very prosperous—and spoke, particularly, of that at Waltham; with the history of which he was more intimately acquainted. He related the manner in which that factory was established; and read a minute of the dividends of profits that had been made by the establishment. Mr. L. stated that stock in that factory had recently been sold at sixty-five per cent. above par; this institution, he said, had been established without foreign aid, and he believed but one foreigner had been employed in it.

Mr. D'WOLF rose to speak to the question, but gave way to a motion to adjourn; and the Senate then adjourned.

WEDNESDAY, May 5.

The Tariff.

The Senate, as in Committee of the Whole, (Mr. KING, of Alabama, in the chair,) proceeded to consider the unfinished business of yesterday, being the bill from the House of Representatives, "to amend the several acts for imposing duties on imports."

Cotton Minimums.

The question was upon the amendment moved by Mr. ELLIOTT, on Monday last, to strike out that part of the bill which establishes the minimum for the calculation of the duties on cotton cloths and cotton twist, yarn, or thread; which proviso is as follows:

"Provided, That all cotton cloths whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which, at the place whence imported, with the addition of twenty per centum, if imported from the Cape of Good Hope, or any place beyond it; and of ten per centum, if imported from any other place, shall be less than thirty cents per square yard, shall, with such addition, be taken and deemed to have cost thirty cents per square yard, and shall be charged with duty accordingly. And that all unbleached and uncolored cotton twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly. And all bleached or colored cotton yarn, twist, or thread, the original cost of which shall be less than seventy-five cents per pound, shall be deemed and taken to have cost seventy-five cents per pound, and shall be charged with duty accordingly."

Mr. BENTON then rose. He had been perfectly satisfied, by the remarks of gentlemen on this subject, that the cotton manufacture was profitable, when conducted with skill and capital; and he rejoiced that it was so. He considered this article a fair subject of revenue; and that the duty now proposed to be levied would fall upon the rich and luxurious. He contended that the shipping interest would not be affected by this duty. Mr. B. described the kind of goods the tax would operate upon—he stated that it would hardly amount to more than a cent or two a yard, and that upon articles of luxury. He spoke of the operation of this bill upon the revenue of the country, and expected that our finances would be benefited by it. He reverted to the operation of the present minimum of twenty-five cents per yard, upon the India cottons, as highly beneficial to the country, and anticipated as happy results from the minimum now under discussion. Mr. B. commented upon the course England had taken, in regard to our articles of export. He contended that she could not jeopardize her manufacture of cotton, by any retaliatory measures upon this country, which would go to enhance the price of the raw material. He believed that too large a proportion of our population were employed in agriculture; as a great surplus of agricultural productions were on hand without a market. He spoke of the advantages this country possessed for manufacturing; and those circumstances which would save it from the demoralizing effects that attend these establishments in other countries.

The question was then put on Mr. ELLIOTT's motion to strike out all the proviso relative to the minimum on cotton goods, and decided in the negative, by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—23.

NAYS.—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findley, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—24.

So the Senate refused to strike out the minimum on cotton cloths, and cotton twist, yarn, or thread.

THURSDAY, May 6.

The Tariff—Wool.

The bill from the other House, "to amend the several acts for imposing duties on imports," was again taken up for consideration in Committee of the Whole, Mr. KING, of Alabama, in the chair.

The question was upon amending the bill, in pursuance of the motion which Mr. SMITH submitted yesterday, to strike out the clause imposing a duty on unmanufactured wool.

Mr. SMITH addressed the Senate in support of the amendment. Messrs. RUGGLES, HOLMES of Maine, CHANDLER, LLOYD of Maryland, TALBOT, JOHNSON of Kentucky, BROWN, D'WOLF, and DICKERSON, severally spoke in opposition to the amendment. Messrs. LLOYD, of Massachusetts, and MILLS, also opposed the motion to amend. They were against the imposition of the duty proposed by the bill on this article, but thought, if any duty was to be imposed, it ought to be an ad valorem duty; as the great difference in the price and quality of this article would render a specific duty very unequal in its operation.

Mr. LLOYD, of Massachusetts, stated that he considered the reasoning of the honorable gentleman from Ohio to be conclusive against a specific duty, which would impose the same rate of duty on wool which cost ten cents a pound with that which would cost one hundred. He observed that the legitimate object of the bill was to protect the manufactures of the country, and of these none were more worthy of the patronage of the Government than the manufacture of woollens, none incorporated itself more intimately with the Northern and Western agricultural interests of the Union, and he believed none was at present more depressed. One principal object of the bill was to encourage this manufacture, to enable it to enter into competition with the manufactures of Great Britain; and to do this, we were imposing a heavy duty on the raw material at the time when Great Britain was taking it off. In England, the manufacture of woollen had been an object of great national attention; for a long time it had no duty, or only one of about three farthings a pound, probably to ascertain the quantity imported. This was the case until 1819, when the exports of woollen had amounted, for a course of years, from eight to ten million pounds sterling a year. On the imposition of this small duty the export declined, and in 1823, fell to five million five hundred thousand pounds sterling, and the Germans and the French interfered with them and got part of the export. This,

MAY, 1824.]

The Tariff—East India Silk.

[SENATE.]

he said, was the secret of the proposed repeal of the duty of sixpence in England when we were putting it on. He would, therefore, advocate, in preference, striking out the duty, though he knew the agriculturists might be adverse to it; and, if this were the case, he should reluct at it. But some of them thought the duty would be injurious to the wool-grower; and this he knew from a letter he submitted to the Senate from a very respectable and experienced gentleman, at present a farmer in Vermont, a large wool-grower, and owner of sheep, and to whom the United States were principally indebted for the introduction of the invaluable race of merino sheep. He alluded to Wm. Jarvis, Esq., late United States Consul at Lisbon, and who was decidedly of opinion that the duty on imported wool would, by its reaction, prove its discouragement of manufactures, lessen the demand for the wool, and, consequently, the price in the market, and injure, instead of benefiting, the wool-grower.

Mr. ELLIOTT called for a division of the question, and the Chair declared the question to be first upon striking out the proposed duty on unmanufactured wool.

Mr. SMITH then withdrew his motion to insert a specific duty of eight cents per pound, and the question then remained upon striking out.

Mr. MILLS said he was perfectly willing to vote for a reasonable duty on the importation of wool, but not so high a duty as the highest progressive duties proposed in this bill. He therefore moved to amend the bill by striking out so much as proposes the prospective increase of the duty on wool, over twenty-five per centum ad valorem. The question was then put upon this amendment, and decided in the negative, by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Van Dyke, Ware, and Williams—21.

NAYS.—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren—26.

So the Senate refused to adopt the amendment proposing to limit the duty on wool to twenty-five per cent.

Mr. ELLIOTT then withdrew his proposition to divide the question, which proposition would have made it necessary to put the question on striking out *all* of the proposed duty on wool.

Mr. MILLS then moved to amend the bill by striking out so much as proposes the prospective increase of the duty over *thirty* per centum ad valorem. The question was put on this amendment, and decided in the affirmative, by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Benton, Branch, Clayton,

Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Van Dyke, Ware, and Williams—25.

NAYS.—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Johnson of Kentucky, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren—22.

So the Senate agreed to limit the duty on unmanufactured wool, to thirty per cent. ad valorem; and the clause imposing duties on that article, stands thus, as amended:

"On wool unmanufactured, a duty of twenty per centum ad valorem, until the 1st of June, 1825; afterwards, a duty of twenty-five per centum ad valorem, until the 1st day of June, 1826; afterwards, a duty of thirty per centum ad valorem: *Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more."

Mr. LLOYD, of Maryland, then moved to amend the bill, by striking out the following proviso:

"*Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more."

The question was then put on this amendment, and decided in the negative, by yeas and nays, as follows:

YEAS.—Messrs. Benton, Branch, Chandler, Eaton, Findlay, Jackson, Johnson of Kentucky, J. S. Johnston of Louisiana, Knight, Lloyd of Maryland, Lowrie, Macon, Parrott, Ruggles, Talbot, Taylor of Indiana, Taylor of Virginia, and Williams—18.

NAYS.—Messrs. Barbour, Barton, Bell, Brown, Clayton, D'Wolf, Dickerson, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, Kelly, King of Alabama, King of New York, Lanman, Lloyd of Massachusetts, McIlvaine, Mills, Noble, Palmer, Seymour, Smith, Van Buren, Van Dyke, and Ware—29.

So the Senate refused to strike out the proviso.

East India Silk.

Mr. SMITH then moved to amend the bill, by inserting the following:

"On all articles of silk, or of which silk is a component part, manufactured in India, China, or any other country beyond the Cape of Good Hope, a duty of twenty-five per centum ad valorem."

This amendment gave rise to a short discussion, in which Messrs. SMITH, LLOYD of Massachusetts, DICKERSON, TALBOT, LOWRIE, and BENTON, engaged.

Mr. DICKERSON moved to amend the amendment, by striking out "twenty-five per centum," and inserting "thirty per centum." This was negatived.

The question was then put on Mr. SMITH'S

amendment, and decided in the negative, by yeas and nays, as follows:

YEAS.—Messrs. Branch, Elliott, Gaillard, Hayne, Holmes of Miss., H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, Lloyd of Maryland, Smith, and Williams—12.

NAYS.—Messrs. Barbour, Barton, Bell, Benton, Brown, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, and Ware—85.

So the Senate rejected the amendment proposing a duty of twenty-five per cent. on India silks.

Manufactures of Wool.

Mr. KING, of New York, then moved that the bill be amended, by striking out all that part which provides for the highest progressive duty, of 87½ per centum ad valorem, "on all manufactures of wool, or of which wool shall be a component part." This motion produced considerable discussion, in which the mover, and Messrs. HAYNE, SMITH, DICKERSON, TALBOT, MILLS, LLOYD of Massachusetts, RUGGLES, and TAYLOR of Virginia, engaged. The question on this amendment was then put, and decided in the affirmative, by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Miss., Jackson, Henry Johnson of Louisiana, Josiah S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—28.

NAYS.—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Holmes of Maine, Johnson of Kentucky, Lanman, McIlvaine, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas—18.

So the Senate agreed to strike out the highest rate of duty on woollen manufactured goods; this vote leaves these articles subject, by the provisions of the bill, to a duty of 80 per cent. ad valorem, until the 80th day of June, 1825; and, after that time, to a duty of 83½ per cent. ad valorem.

Mr. CHANDLER then moved to amend the bill, by excepting Russia, Holland, and Raven's duck, from the duty of 25 per centum ad valorem, imposed, by the bill, upon all manufactures of cotton, silk, flax, or hemp; and to subject those articles to certain specific duties.

Some remarks were made, upon this proposition, by the mover; and by Messrs. TALBOT, SMITH, MILLS, and HAYNE.

Mr. HAYNE observed, that he should vote against the motion, because he thought there were other articles of equal importance, which ought to be excepted, and which were, on principle, equally entitled to exemption. Mr. H. re-

peated, that he would give his support to a proposition to strike out the whole section, or to exempt from its operation all articles of prime necessity in which any part of the country is deeply interested. But surely the gentleman from Maine could not expect to have the bill moulded so as to suit his own views, and the peculiar interests of his own State, while he refuses to consult the interests of others.

The question was then put, and the amendment was disagreed to, fifteen members voting in the affirmative, and thirty-one in the negative.

Cotton Bagging.

Mr. MACON then moved to amend the bill, by striking out the following clause: "On cotton bagging, four and a half cents per square yard."

This motion gave rise to some discussion; in which Messrs. MACON, JOHNSON of Kentucky, HOLMES of Maine, TALBOT, SMITH, and BENTON, participated.

The question was then put, and decided in the negative, by yeas and nays, as follows:

YEAS.—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—23.

NAYS.—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas—24.

So the Senate determined not to strike out the proposed duty of four and a half cents per square yard, on cotton bagging; and the Senate adjourned.

FRIDAY, May 7.

The Tariff.

The bill from the House of Representatives "to amend the several acts for imposing duties on imports," was again taken up for consideration, as in Committee of the Whole.

Worsted Stuff Goods.

Mr. KING, of New York, then moved to amend the bill, in the following clause: "On all manufactures of wool, or of which wool shall be a component part, a duty of thirty per centum ad valorem, until the 80th day of June, 1825; and, after that time, a duty of thirty-three and one-third per centum," by inserting, after the word "part," the words "except worsted stuff goods, which shall pay twenty-five per centum ad valorem." This proposition gave rise to some debate, in which Messrs. LOWRIE, D'WOLF, KING of New York, MILLS, KNIGHT, EDWARDS, and FINDLAY, engaged. The question was then put, and de-

MAY, 1824.]

Indian Fur Trade.

[SENATE.]

aided in the affirmative, by yeas and nays, as follows :

YEAS.—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—27.

NAYS.—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas—20.

So the Senate decided that "worsted stuff goods" should be subjected to a duty of twenty-five per cent. only.

Blankets.

Mr. HAYNE then moved to amend the bill, by including "blankets," in the exception which had just been made in favor of worsted stuff goods, as liable only to a duty of twenty-five per centum ad valorem. This amendment was supported by the mover, and opposed by Mr. D'WOLF. The question was then put and decided in the affirmative, by yeas and nays, as follows :

YEAS.—Messrs. Barbour, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—24.

NAYS.—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, Van Buren—23.

So the Senate determined that blankets should only be subject to a duty of twenty-five per centum ad valorem.

Frying Pans.

Mr. BRANCH then moved to strike out the following line from the bill : "On frying-pans, four cents per pound." This amendment was supported by the mover and by Mr. HAYNE. It was agreed to by the Senate, by yeas and nays, as follows :

YEAS.—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Indiana, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—29.

NAYS.—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, and Thomas—18.

So the Senate determined that frying-pans should be exempted from the proposed duty.

Cocoa.

Mr. LLOYD, of Massachusetts, then moved to amend the bill by striking out the following line : "On cocoa, three cents per pound." Some remarks were made on this subject by the mover, and by Messrs. D'WOLF and DICKERSON. The amendment was carried without division ; and thus the proposed duty on cocoa was stricken out.

SATURDAY, May 8.

Parents of Lieutenant Watson, U. S. Navy.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the petition of Josiah Watson and Jane Watson, praying relief from the Government, in consequence of the dependent and helpless situation to which they have been reduced, by the death of their son, while in the service of his country, submitted a report : The committee state, that the petitioners are the parents, in very advanced life, of the late William Henry Watson, an officer of the United States Navy, of great promise ; who, after having, in a very gallant manner, inflicted on the pirates of the Gulf of Mexico, and the coasts of Cuba, a merited and severe punishment, fell a victim, while on duty, to the epidemic prevailing on board the ship of war John Adams, at Thompson's Island, in the autumn of the last year ; that the petitioners are not only very aged, but are in narrow circumstances ; and were dependent upon their deceased and lamented son for the principal part of their support ; and that their case presents a strong claim upon the sympathy, if not upon the justice, of the Government. But the sense of Congress, on the inexpediency of extending pension allowances, or pecuniary grants, to cases of this description, having been too distinctly, and repeatedly, expressed, to be misunderstood, the committee ask to be discharged from the further consideration of the subject ; and recommend that the petitioners have leave to withdraw their petition, and the papers accompanying the same.

The report was read and concurred in by the Senate.

THURSDAY, May 13.

Indian Fur Trade.

On motion by Mr. BENTON, the Senate resumed, as in Committee of the Whole, the bill to enable the President to carry into effect the treaty made at Ghent, the 24th of December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States to American citizens, (Mr. KING, of Alabama, in the chair.)

SENATE.]

American Hemp.

[MAY, 1824.]

Mr. BENTON moved to add the following section, viz :

SEC. 5. *And be it further enacted*, That the sum of thirteen thousand dollars be paid out of any money in the Treasury not otherwise appropriated, to enable the President to send a military expedition against the hostile Indians of the Upper Missouri, and to preserve peace with the United States.

Mr. LOWRIE moved to amend the proposed amendment, by striking out all after the word "President," and inserting "if in his opinion it should be deemed necessary, to send a military force to sustain and protect the commissioners who may be sent to hold treaties with the Indian tribes on the Upper Missouri River."

The question was taken and determined in the negative—yeas 20, nays 23, as follows :

YEAS.—Messrs. Barton, Benton, Brown, Eaton, Edwards, Elliott, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnston, Josiah S. Johnston, Kelly, King of Alabama, Lowrie, Seymour, Talbot, Taylor of Indiana, and Thomas.

NAYS.—Messrs. Barbour, Bell, Chandler, Clayton, D'Wolf, Dickerson, Gaillard, Holmes of Maine, King of New York, Lanman, Lloyd of Massachusetts, McIlvaine, Macon, Mills, Noble, Palmer, Parrott, Ruggles, Smith, Taylor of Virginia, Van Buren, Van Dyke, and Ware.

On motion, by Mr. LOWRIE, the bill was ordered to lie on the table.

The Tariff.

The bill from the House of Representatives "to amend the several acts for imposing duties on imports," was read the third time, as amended in the Senate. The question, "Shall this bill pass?" was then put.

The question on the passage of the bill was decided in the affirmative by yeas and nays, as follows :

YEAS.—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—25.

NAYS.—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—21.

So the bill passed as amended, and was sent to the other House for concurrence in the amendments.

MONDAY, May 17.

Indian Fur Trade.

On motion of Mr. BENTON, the Senate then proceeded to consider the bill "to enable the President to carry into effect the Treaty made at Ghent the 24th December, 1814, excluding

foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade, within the limits of the said United States, to American citizens." The question was, upon adopting an amendment, proposed by Mr. BENTON as a new section to the bill, providing an appropriation of \$18,000 to enable the President to send a military expedition among the hostile Indians on the Upper Missouri, and to preserve the peace in that quarter. Messrs. BENTON, JOHNSON of Kentucky, HOLMES of Maine, and J. S. JOHNSTON, of Louisiana, made some remarks upon this subject.

Mr. NOBLE moved to amend the amendment by striking out all but the enacting clause, and inserting a provision appropriating \$10,000 for the purpose of enabling the President to send a military escort, when he shall think proper, for the protection of commissioners to be sent to the Upper Missouri, to treat with the Indians in that quarter.

Mr. BENTON accepted this amendment, and agreed to withdraw that which he had proposed. Messrs. MILLS, and HOLMES of Maine, contended that the President had already the power which this amendment proposes to give him. Messrs. BROWN, LOWRIE, BARBOUR, EDWARDS, KING of New York, H. JOHNSON of Louisiana, and BENTON, entered into the discussion of the merits of the proposed amendment. The question was then put upon the adoption of the amendment, and carried in the affirmative. The bill, as amended, was then reported to the Senate; the amendments made in Committee of the Whole were agreed to. The bill was then ordered to be engrossed, and read the third time.

American Hemp.

The following resolution, submitted on Saturday last, by Mr. BENTON, was again read for consideration :

Resolved, That the President of the United States be requested to direct the Secretary of the Navy to lay a report before the Senate, at the commencement of the next session of Congress, showing the reason, if any, why canvas, cordage, and cables, made of hemp, the growth of the United States, may not be used in the equipment of national vessels.

Mr. BENTON said his object in presenting the resolution was, to find out the reason which excludes American hemp from American ships. The objection being known, could be met and conquered, if it was not insuperable. A defect in the fibre might be incurable; but, if the objection goes only to the preparation, the manufacture, or the want of an adequate supply, there is nothing invincible in it.

Mr. B. wished the Navy to be *national*, not only in the hearts which fill it, but in the material of which it is built. He objected to the quantity of foreign material now used; iron from Sweden, hemp from Russia, copper from England, lead from the Mediterranean. Wood,

May, 1824.]

Missouri River.

[SENATE.]

alone, was the product of the United States. He referred to an official paper to show the cost of these materials in a ship of the line:

Iron -	- \$23,000—The North Carolina 74
Hemp -	- \$61,000—The Columbus 74
Copper -	- \$57,000—The Columbus 74
Wood -	- \$70,000—The Columbus 74
Lead -	- \$2,500—The North Carolina 74

He pointed out the enormous disproportion of cost between the foreign and the domestic material; and calculated the loss to American citizens, and the gain to the serfs and boors of Europe, in building the nine ships of the line and the twelve frigates, lately authorized by an act of Congress for the gradual increase of the Navy. But the loss, great as it is, he said, did not stop here. When these nine seventy-fours and twelve frigates are finished, another set will be commenced, and the work will go on, until the Republic, like the Mother Empire, shall boast her "thousand ships of war."

Mr. LLOYD, of Massachusetts, said he did not rise to oppose the resolution, as he was perfectly willing to vote for any information on the subject; but he wished to suggest an amendment. He remarked upon the *national* character which the Navy already possessed—he repelled the idea, which had frequently been expressed, that the Navy was peculiarly an Eastern or sectional interest. He adverted to an act which had been recently brought forward, and which had passed the Senate, for the building an additional number of sloops of war; a class of vessels which was not absolutely necessary, in the deep waters of the North, but which was peculiarly adapted for the protection of the mouth of the great rivers of the West, and the products of the Western States, which were constantly descending those rivers.

Mr. L. proposed to amend the resolution, so as to extend the inquiry to the relative advantages of using, for the Navy, the domestic or the foreign material mentioned in the resolution.

Mr. BENTON assented to the remarks made by the Senator from Massachusetts, and agreed to the proposed modification of his resolution.

Mr. SMITH made a few remarks, in order to show that foreign materials were not now used in the construction of our public vessels to the extent apprehended by the honorable member from Missouri.

The question on agreeing to the resolution was then put, and carried in the affirmative.

WEDNESDAY, May 19.

Mississippi and Ohio Rivers.

On motion of Mr. TALBOT, the bill from the House of Representatives "to improve the navigation of the Ohio and Mississippi Rivers," was taken up for consideration, in Committee of the Whole, Mr. BARBOUR in the chair. Messrs. BROWN and JOHNSON, of Kentucky, explained the objects of this bill, and its importance to the Western States.

Mr. JOHNSON, of Kentucky, spoke as follows:

Mr. President, it is much to be regretted that want of time will prevent that full discussion of the merits of the bill under consideration, which the importance of the measure demands. The House of Representatives have carefully investigated the subject; and, after the most dispassionate deliberation, with a full knowledge of the fact before them, have passed the bill appropriating seventy-five thousand dollars for removing certain obstructions from the channels of the Ohio and Mississippi. It is an experiment to render more secure the navigation of these great rivers of the West, destined by nature to bear to the Atlantic States, and to the rest of the world, the rich treasures which are every day disclosing themselves, of that extensive country. This decision of the popular branch of the National Legislature, in favor of an object of such magnitude, whether considered in relation to the interest of the West, or of the whole nation, is entitled to high consideration from the Senate; and, in its wisdom and magnanimity, to give it their cordial sanction, we repose a degree of confidence bordering upon certainty. If, however, we should be found mistaken in this expectation, if such opposition should appear against an appropriation so reasonable, and in which one-half of the States in the Union have a direct, and all a deep interest, as to force us into a discussion of the merits of the bill, we have the fullest confidence that the investigation must result in an entire conviction of the utility of the measure.

It should be borne in mind that the survey has been made by order of the Government. The commissioners, who had no other interest than what is common to every American, have made a faithful report, which is now before us; and it gives us a knowledge of the true cause, and of all the causes, which render our navigation dangerous. It is the opinion of the most scientific and experienced engineers, that these causes may be removed at an expense quite inconsiderable, compared with the advantages which would ensue. For the accomplishment of this object, we appeal to the magnanimity of the Government. It is but what justice demands. We only ask for a small proportion of that protection to our commerce which we have never refused to other parts of the United States.

Missouri River.

Mr. BENTON moved to amend the bill, by inserting the following words: "and of the Missouri River, in the State of Missouri." This amendment was agreed to.

The bill was then reported to the Senate, as amended. Messrs. NOBLE and TALBOT opposed the amendment agreed to in Committee of the Whole: and Mr. BENTON spoke in favor of it. The amendment was not concurred in.

Mr. LOWRIE proposed an amendment, not

affecting the principle of the bill, which was adopted.

The question was then put, upon passing the bill to a third reading; and determined in the affirmative, by yeas and nays, as follows:

YEAS.—Messrs. Barton, Benton, Brown, D'Wolf, Dickerson, Eaton, Findlay, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson, J. S. Johnston, Kelly, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Noble, Parrott, Ruggles, Smith, Talbot, Taylor of Indiana, Thomas, and Williams—25.

NAYS.—Messrs. Barbour, Bell, Branch, Chandler, Clayton, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, King of Alabama, King of New York, Macon, Mills, Palmer, Seymour, Taylor of Virginia, Van Buren, Van Dyke, and Ware—20

So the bill passed to a third reading.

FRIDAY, May 21.

Vice President pro tem.

The VICE PRESIDENT not being present, the Senate was called to order by the Secretary. On motion of Mr. HOLMES, of Maine, the Senate proceeded to ballot for a President *pro tempore*.

The whole number of votes given in was 85; necessary to a choice 18.

The honorable JOHN GAILLARD had 23 votes, and was declared to have been elected President *pro tempore*. Mr. GAILLARD immediately took the chair, and expressed to the Senate, in a very neat and appropriate speech, his sense of the high honor conferred upon him.

Western Boundary of Arkansas Territory.

On motion of Mr. BENTON, the Senate, as in Committee of the Whole, proceeded to consider the bill "to fix the western boundary line of the Territory of Arkansas." The report of the committee in relation to this subject was read. Mr. BENTON explained the objects of the bill. Mr. HOLMES, of Mississippi, offered a new section as an amendment, which was agreed to. The bill was then reported to the Senate, as amended, and passed to be engrossed, and read a third time.

The bill which originated in Senate, "to fix the Western boundary line of the Territory of Arkansas," was read the third time. On motion of Mr. LOWRIE, it was committed, after some discussion, to the Committee on Indian Affairs.

SATURDAY, May 22.

Farrow and Harris.

The bill introduced, on leave, by Mr. BARBOUR, and reported by the Committee on Claims, "for the relief of Nimrod Farrow and Richard Harris," was taken up for consideration, as in Committee of the Whole. These petitioners claim remuneration for the loss and embarrassment sustained by them in consequence of the determination of the Govern-

ment not to build the fort on Dauphin Island, for the erection of which a contract had been made with them. This claim had been referred to a commissioner to ascertain the damage done to the petitioners, by the failure, on the part of Government, to perfect the contract; and the bill proposes that, when the commissioner shall have reported the amount due them, that the money shall be paid, upon the approbation of the Secretary of War, without a further act of Congress on the subject; and that they shall be relieved from the operation of the judgments obtained against them, for the moneys advanced them by the Government, until the commissioner shall have rendered his opinion on the subject.

Mr. RUGGLES, in behalf of the Committee on Claims, stated the facts connected with the case.

Messrs. BARBOUR, LOWRIE, J. S. JOHNSTON of Louisiana, KELLY, H. JOHNSON of Louisiana, and TAYLOR of Virginia, spoke in favor of the passage of the bill.

Mr. CHANDLER proposed an amendment to strike out a part of the bill; which was not agreed to.

Mr. KING, of Alabama, opposed the bill on the grounds that the petitioners had not made such progress in their work as to authorize the belief that it would have been completed within the stipulated time, had not the Government suspended the work; that the petitioners had transferred their contract to a third person; and that the ultimate decision of the amount to be allowed these petitioners, if any thing were to be allowed, ought not to be committed to any individuals, however high their standing might be, but that it ought to be decided upon by Congress.

These objections were particularly replied to, and obviated by Messrs. J. S. JOHNSTON and BARBOUR.

The bill was then reported to the Senate, without amendment.

Mr. BELL moved to amend the bill, so as to provide that, on the decision of the commissioner, one-half the amount of damages awarded should be paid to the petitioners.

This motion was opposed by Mr. MILLS, and disagreed to by the Senate.

The bill was then passed to be engrossed, and read the third time.

MONDAY, May 24.

Cherokee Civilization Government.

Mr. BARTON presented the memorial of John Ross and others, the Delegates of the Cherokee nation, stating that, from their advanced state of civilization, they have found it necessary to establish a more regular system of government, for the protection of the property, life, liberty, and the pursuit of happiness; that they have accordingly established legislative and judiciary branches of government, upon a plan, simple

MAY, 1824.]

Expenses and Reforms in the Navy.

[SENATE.]

and comprehensible to the Cherokees. To support their government, they found it necessary to impose taxes on merchants and peddlars, in their nation. The power to impose this tax, under the treaties subsisting between them and the United States, has been disputed; and the Attorney-General of the United States has given an opinion to the proper department against the right of the Cherokees to impose the tax; and, under that opinion, it has been intimated to the Delegates that a return of the taxes will be expected, and that they must refrain from the exercise of this power in future.

The Delegates, on behalf of the nation, appeal to Congress for relief against this decision, and present copies of the opinion of the Attorney-General, and of an opinion of Judge White, of Tennessee, given on application, some years since.

The memorial and accompanying documents were referred to the Committee on Indian Affairs.

Expenses and Reforms in the Navy.

MR. LLOYD, of Massachusetts, submitted the following motions for consideration:

Resolved, That the Secretary of the Navy be directed to report to the Senate, at an early period of the ensuing session of Congress, such information as may be in the possession of the Department, or he may think proper to communicate, relative to the expediency of constructing, at one of the navy yards of the United States, a dry dock, of sufficient capacity for receiving, examining, and repairing, ships-of-the-line; and to report on the usefulness, economy, and necessity, of a dry dock; the best location therefor, and the probable expense of constructing such dry dock, of the size aforesaid, in a solid and durable manner, and with the needful appendages for an advantageous use of the same.

Resolved, That the Secretary of the Navy be directed to report to the Senate, at the commencement of the next session of Congress, a statement, showing the amount of travelling expenses, and other allowances, received by the officers of the Navy and of the marine corps, over the monthly pay and rations to which they are by law entitled, in each year, for the last three years; the emoluments which have been received in each year, for the same period, so far as the same can be ascertained, by the officers of the Navy and the marine corps, as well from the Government as from other sources, in consequence of their official stations; the expense of courts-martial in the Navy and marine corps, in each year, for the same period, with the amount paid to Judge Advocates and others, for their attendance and services, designating the places at which such courts-martial were ordered to be held, and the stations from which the officers composing the same were detailed to attend; the number of desertions from the marine corps, and the number of rank and file confined for imprisonment, as a punishment for desertion, or misconduct, for each year, during the same period; and, also, to report his opinion on such alterations, or further provisions of law, as he may consider it expedient to be made, in order to promote a more perfect discipline in the Navy and marine corps, to prevent the frequent recurrence of courts-martial,

and insure to the public service, in the said establishments, the highest degree of economy and efficiency.

Western Boundary of Arkansas Territory.

MR. BENTON, from the Committee on Indian Affairs, to whom was referred the bill "to fix the Western boundary line of the Territory of Arkansas, and for other purposes," reported the same with an amendment. The bill was taken up for consideration in Committee of the Whole. Mr. B. explained the effect of the amendment. The amendment was agreed to, and the bill was reported to the Senate, and passed to be engrossed and read the third time.

Last Day for sending Bills from one House to the other.

This being the last day of the session on which, according to a joint rule of the two Houses, any bill can pass from one House to the other,* the following bills, which originated in Senate, and which had just passed to a third reading, were read a third time, by general consent, and passed, and sent to the House of Representatives for concurrence, viz: The bill "to fix the Western boundary line of the Territory of Arkansas, and for other purposes;" the bill "explanatory of an act, entitled 'An act to provide for the extinguishment of the debt due to the United States from the purchasers of public lands;'" and the resolution "providing a place of deposit for the Portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence."

TUESDAY, May 25.

Enrico Causici, the Artist.

In pursuance of notice given yesterday, Mr. EATON asked leave to introduce a resolution, directing the Secretary of the Senate to pay from the contingent fund, to the artist, [Enrico Causici,] employed in constructing an allegorical ornament for a clock for the Senate, the further sum of \$1,000, to enable him to proceed in the work. Leave was accordingly granted; the resolution was read, and passed to a second reading.

Expenses and Reforms in the Navy.

The resolutions submitted yesterday by Mr. LLOYD, of Massachusetts, respecting the expediency, the location, and the probable expense of constructing a dry dock at one of the navy yards

* To prevent the hasty passing of bills in the last days of the session, when so much business is done, often without a quorum, and frequently without the knowledge of members present, a joint rule of the two Houses had been adopted, by which no bill could be sent from one to the other on the three last days of the session, and none could be sent to the President on the last day—thereby giving to each House, and to the President, time for deliberation. It was a salutary rule, and would be of great value, if enforced; but, unfortunately, it is almost a matter of course to suspend it at the moment it is wanted.

of the United States; and, also, relative to the pay, emoluments, and other allowances, of the officers of the Navy and Marine Corps, the expenses of courts-martial in that Department, the number of desertions, &c., and requiring of the Secretary of the Navy, "his opinion on such alterations, or further provisions of law, as he may consider it expedient to make, in order to promote a more perfect discipline in the Navy and Marine Corps, to prevent the frequent recurrence of courts-martial, and insure to the public service, in the said establishments, the highest degree of economy and efficiency," were again read for consideration. Mr. LLOYD made a few remarks explanatory of his object in the introduction of the resolutions, and they were agreed to by the Senate without division.

Governor Tompkins' Accounts.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States;" and no amendment having been made, it was reported to the Senate; and, on the question, "Shall this bill pass to a third reading?" it was determined in the affirmative—yeas 24, nays 4, as follows:

YEAS.—Messrs. Bell, Benton, Brown, Clayton, Dickerson, Edwards, Gaillard, Holmes of Maine, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lanman, Lowrie, Macon, Noble, Parrott, Ruggles Seymour, Smith, Thomas, Van Buren, and Van Dyke.

NAYS.—Messrs. Barton, Chandler, Eaton, and Taylor of Virginia.

Maison Rouge Grant.

The bill from the House of Representatives "to authorize the legal representatives of the Marquis de Maison Rouge to commence an action in the courts of the United States, to try the validity of his title to lands, the claim to which is disputed by the United States," was taken up for consideration in Committee of the Whole. After a discussion of considerable length, in which Messrs. VAN DYKE, DICKERSON, H. JOHNSON of Louisiana, VAN BUREN, J. S. JOHNSTON of Louisiana, KING of Alabama, LOWRIE, and BROWN, took part, the bill was refused a third reading, 14 in favor of, and 12 against it, as follows:

YEAS.—Messrs. Benton, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lowrie, Noble, Ruggles, Seymour, Smith, Thomas, Van Buren, and Williams.

NAYS.—Messrs. Barton, Bell, Brown, Chandler, Clayton, Dickerson, Eaton, Edwards, Gaillard, Holmes of Maine, Lanman, Lloyd of Massachusetts, Macon, Parrott, and Vandyke.

So the bill was rejected.

Canal in the Territory of Florida.

The bill from the other House "to authorize the Territory of Florida to open a canal through the public lands, from the river St. John's to the bay of St. Augustine," was taken up for consideration in Committee of the Whole. Messrs. SMITH, LOWRIE, KING of Alabama, BROWN, and CHANDLER, made some remarks on the subject. Mr. LOWRIE moved the indefinite postponement of the bill, which motion was carried.

WEDNESDAY, May 26.

Enrico Causici.

The resolution introduced on leave, yesterday, by Mr. EATON, directing the Secretary of the Senate to pay, from the contingent fund, to the artist employed in constructing an allegorical ornament for a clock for the Senate, the further sum of \$1,000, to enable him to proceed in the work, was again read for consideration.

Some remarks on the subject were submitted by Messrs. EATON, MACON, LANMAN, VAN DYKE, HOLMES of Maine, TAYLOR of Virginia, and SMITH; and the resolution was refused a third reading.

After the consideration of Executive business, the Senate adjourned to 7 o'clock, P. M.

Seven o'clock in the Evening.

After the consideration of Executive business, the Senate adjourned to eight o'clock to-morrow morning.

THURSDAY, May 27.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a joint committee, to wait on the President of the United States, and inform him, that, unless he may have any further communication to make, they are ready to adjourn; in which they request the concurrence of the Senate.

The Senate proceeded to consider the said resolution, and concurred therein; and Messrs. SMITH and MACON were appointed the committee on the part of the Senate.

A message from the House of Representatives informed the Senate that the House, having finished the business before them, are about to adjourn.

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the Legislative business before them, are about to adjourn.

After the consideration of Executive business, the PRESIDENT adjourned the Senate *sine die*.

EIGHTEENTH CONGRESS.—FIRST SESSION.

PROCEEDINGS AND DEBATES

IN

THE HOUSE OF REPRESENTATIVES.*

MONDAY, December 1, 1823.

At 12 o'clock, precisely, the Clerk called the House to order, and, the roll being called, the following members of the House of Representatives appeared and took their seats, to wit:

* LIST OF REPRESENTATIVES.

Maine.—William Burleigh, Joshua Cushman, Ebenezer Herrick, David Kidder, Enoch Lincoln, Stephen Longfellow, Jeremiah O'Brien.

New Hampshire.—Ichabod Bartlett, Matthew Harvey, Arthur Livermore, Aaron Matson, William Plumer, Jr., Thomas Whipple, jr.

Massachusetts.—Samuel C. Allen, John Bailey, Francis Baylies, Benjamin W. Crowninshield, Henry W. Dwight, Timothy Fuller, Aaron Hobart, Samuel Lathrop, John Locke, Jeremiah Nelson, John Reed, Jonas Sibley, Daniel Webster.

Rhode Island.—Job Durfee, Samuel Eddy.

Connecticut.—Noyes Barber, Samuel A. Foot, Ansel Sterling, Ebenezer Stoddard, Gideon Tomlinson, Samuel Whitman.

Vermont.—William C. Bradley, Daniel A. A. Buck, Samuel C. Crafts, Rollin C. Mallary, Henry Olin.

New York.—John W. Cady, Churchill C. Cambrelong, Lot Clark, Ela Collins, Hector Craig, Rowland Day, Justin Dwinell, Lewis Eaton, Charles A. Foote, Joel Frost, Moses Hayden, John Herkimer, James L. Hogeboom, Lemuel Jenkins, Samuel Lawrence, Elisha Litchfield, Dudley Marvin, Henry C. Martindale, John J. Morgan, John Richards, Robert B. Rose, Peter Sharpe, Henry R. Storrs, James Strong, John W. Taylor, Egbert Ten Eyck, Albert H. Tracy, Jacob Tyson, William Van Wyck, Stephen Van Rensselaer, Isaac Williams, Parmenio Adams, Silas Wood, William Woods.

New Jersey.—George Cassedy, Lewis Condict, Daniel Garrison, George Holcombe, James Matlack, Samuel Swan.

Pennsylvania.—James Allison, Samuel Breck, John Brown, James Buchanan, Samuel Edwards, William Cox Ellis, Patrick Farrelly, John Findlay, Walter Forward, Robert Harris, Joseph Hemphill, Samuel D. Ingham, George Kramer, Samuel McKean, Philip S. Markley, Daniel H. Miller, James S. Mitchell, Thomas Patterson, George Plumer, Thomas J. Rogers, Andrew Stewart, Alexander Thompson, John Tod, Daniel Udree, Isaac Wayne, James Wilson, Henry Wilson, George Wolfe.

Delaware.—Louis McLane.

From Maine.—William Burleigh, Joshua Cushman, Ebenezer Herrick, David Kidder, Enoch Lincoln, and Jeremiah O'Brien.

From New Hampshire.—Matthew Harvey, Arthur Livermore, Aaron Matson, William Plumer, jr., and Thomas Whipple, jr.

Maryland.—William Hayward, jr., Joseph Kent, John Lee, Peter Little, Isaac McKim, George E. Mitchell, Raphael Neale, John S. Spence, Henry R. Warfield.

Virginia.—Mark Alexander, William S. Archer, Philip P. Barbour, John S. Barbour, Burwell Beasett, John Floyd, Robert S. Garnett, Joseph Johnson, Jabez Leftwich, William McCoy, Charles F. Mercer, Thomas Newton, John Randolph, William O. Rives, Arthur Smith, William Smith, Alexander Smyth, Andrew Stevenson, James Stephenson, George Tucker, John Tallafra, Jared Williams.

North Carolina.—Henry Conner, John Culpeper, Weldon N. Edwards, Alfred M. Catlin, Thomas H. Hall, Charles Hooks, John Long, Willie P. Mangum, Romulus M. Saunders, Richard D. Spaight, Robert B. Vance, Lewis Williams.

South Carolina.—Robert Campbell, John Carter, Joseph Gist, Andrew E. Govan, James Hamilton, jr., George McDuffie, Joel R. Poinsett, Starling Tucker, John Wilson.

Georgia.—Joel Abbot, George Cary, Alfred Cuthbert, John Forsyth, Edward F. Tattnall, Wiley Thompson.

Kentucky.—Richard A. Buckner, Henry Clay, Robert P. Henry, Francis Johnson, John T. Johnson, Robert P. Letcher, Thomas Metcalf, Thomas P. Moore, Philip Thompson, David Trimble, David White, Charles A. Wickliffe.

Tennessee.—Adam R. Alexander, Robert Allen, John Blair, John Cocke, Samuel Houston, Jacob C. Isaacs, James B. Reynolds, James T. Sandford, James Standefer.

Ohio.—Mordecai Bartley, Philemon Beecher, John W. Campbell, James W. Gazlay, Duncan McArthur, William McLean, John Patterson, Thomas R. Ross, John Sloane, Joseph Vance, Samuel F. Vinton, Elisha Whittlescy, William Wilson, John C. Wright.

Louisiana.—William L. Brent, Henry H. Gurley, Edward Livingston.

Mississippi.—Christopher Rankin.

Indiana.—Jacob Call, Jonathan Jennings, John Test.

Illinois.—Daniel P. Cook.

Alabama.—John McKee, Gabriel Moore, Geo. W. Owen.

Missouri.—John Scott.

Michigan Territory.—Gabriel Richard, *Delegate.*

Arkansas Territory.—Henry W. Conway, *Delegate.*

Florida Territory.—Richard K. Call, *Delegate.*

From Massachusetts—Samuel C. Allen, John Bailey, Francis Baylies, Benjamin W. Crowninshield, Henry W. Dwight, Timothy Fuller, Aaron Hobart, Samuel Lathrop, John Locke, Jeremiah Nelson, John Reed, Jonas Sibley, and Daniel Webster.

From Rhode Island—Job Durfee, and Samuel Eddy.

From Connecticut—Noyes Barber, Samuel A. Foot, Ansel Sterling, Ebenezer Stoddard, Gideon Tomlinson, and Lemuel Whitman.

From Vermont—William C. Bradley, Daniel A. A. Buck, Samuel C. Crafts, Rollin C. Mallary, and Charles Rich.

From New York—John W. Cady, Churchill C. Cambreleng, Lot Clark, Ela Collins, Hector Craig, Rowland Day, Justin Dwinell, Lewis Eaton, Charles A. Foote, Joel Frost, Moses Hayden, James L. Hogeboom, Lemuel Jenkins, Elisha Litchfield, Dudley Marvin, Henry C. Martindale, John Richards, Robert R. Rose, Peter Sharpe, Henry R. Storrs, James Strong, John W. Taylor, Egbert Ten Eyck, Jacob Tyson, William Van Wyck, Stephen Van Rensselaer, Isaac Williams, Isaac Wilson, Silas Wood, and William Woods.

From New Jersey—George Cassedy, Lewis Condict, Daniel Garrison, George Holcombe, James Matlack, and Samuel Swan.

From Pennsylvania—James Allison, Samuel Breck, John Brown, James Buchanan, Samuel Edwards, William Cox Ellis, Patrick Farrelly, John Findlay, Walter Forward, Robert Harris, Joseph Hemphill, Samuel D. Ingham, George Kremer, Samuel McKean, James S. Mitchell, Thomas Patterson, George Plumer, Thomas J. Rogers, John Tod, Daniel Udree, Isaac Wayne, and James Wilson.

From Delaware—Louis McLane.

From Maryland—William Hayward, jr., Joseph Kent, John Lee, Peter Little, Isaac McKim, and George E. Mitchell.

From Virginia—Mark Alexander, William S. Archer, William Lee Ball, Philip P. Barbour, John S. Barbour, Robert S. Garnett, Joseph Johnson, Jabez Leftwich, William McCoy, Charles F. Mercer, Thomas Newton, Arthur Smith, William Smith, Alexander Smyth, Andrew Stevenson, James Stephenson, George Tucker, and Jared Williams.

From North Carolina—Henry Conner, John Culpeper, Weldon N. Edwards, Alfred M. Catlin, Charles Hooks, John Long, Willie P. Mangum, Romulus M. Saunders, Richard D. Spaight, Robert B. Vance, and Lewis Williams.

From South Carolina—Robert Campbell, Joseph Gist, James Hamilton, jr., Geo. McDuffie, Joel R. Poinsett, Starling Tucker, and John Wilson.

From Georgia—Joel Abbot, George Cary, Thomas W. Cobb, Alfred Cuthbert, John Forsyth, and Wiley Thompson.

From Kentucky—Richard A. Buckner, Henry Clay, Robert P. Henry, Francis Johnson, John T. Johnson, Robert P. Letcher, Thomas P. Moore, Philip Thompson, David Trimble, David White, and Charles A. Wickliffe.

From Tennessee—Adam R. Alexander, Robert Allen, John Blair, John Cocke, Samuel Houston, Jacob C. Isaacks, James B. Reynolds, James T. Sandford, and James Standefer.

From Ohio—Mordecai Bartley, Philemon Beecher, John W. Campbell, James W. Gazlay, Duncan McArthur, William McLean, John Patterson, John Sloane, Joseph Vance, Samuel F. Vinton,

Elisha Whittlesey, William Wilson, and John C. Wright.

From Louisiana—William L. Brent.

From Indiana—John Test.

From Illinois—Daniel P. Cook.

From Alabama—John McKee, and Gabriel Moore.

From Missouri—John Scott.

From Arkansas Territory—Henry W. Conway.

After the Clerk had finished calling the members of States, and a quorum was ascertained to be present,

Mr. TAYLOR, of New York, rose and remarked, that, it having been publicly announced that he was considered a candidate for the Speaker's Chair, and several Representatives having avowed their intention to vote in his favor; for the purpose of correcting any mistake upon this subject which might exist either here or elsewhere, he thought proper to state that he was not a candidate, and that, if his friends consulted his wishes, they would not, on this occasion, support him for the office. This frank declaration, he said, appeared to be due to the House and to those gentlemen who were understood to be candidates, as well as himself.

Election of Speaker.

The House then proceeded, by ballot, to the election of a Speaker, and, upon an examination of the ballots, it appeared that HENRY CLAY, one of the Representatives from the State of Kentucky, had 189 votes, and that PHILIP P. BARBOUR, one of the Representatives from the State of Virginia, had received 49 votes.

Mr. CLAY was, therefore, declared to be duly elected, and conducted to the Speaker's Chair, from whence he made acknowledgments to the House in the following terms:

GENTLEMEN: I pray you to accept my most respectful thanks for the honor you have just conferred on me. The station of Speaker of this House has been always justly considered as one of great respectability, as well as of high responsibility. But, at the present period, when we are assembled under a new census, with our number considerably enlarged, and the highest interests of a greatly augmented population committed to our charge, it has acquired much additional importance, which requires from the favored object of your selection, his most grateful acknowledgments and the expression of the profoundest sensibility. The principles which should regulate the execution of the duties of the incumbent of the Chair are not difficult to comprehend, although their application to particular instances is often extremely delicate and perplexing. They enjoin promptitude and impartiality in deciding the various questions of order as they arise; firmness and dignity in his deportment towards the House; patience, good temper, and courtesy, towards the individual members; and the best arrangement and distribution of the talent of the House, in its numerous subdivisions, for the despatch of the public business, and the fair exhibition of every subject presented for consideration. They especially require of him, in those moments of agitation from which no

DECEMBER, 1823.] *Amendment of the Constitution—Election of President and Vice President.* [H. OF R.]

deliberative assembly is always entirely exempt, to remain cool and unshaken amidst all the storms of debate, carefully guarding the preservation of the permanent laws and rules of the House from being sacrificed to temporary passions, prejudices, or interests. It is on such occasions as these, too, that the Chair stands most in need of your support, of your candor, of your liberality, of your unbiased judgment. I am not so presumptuous, gentlemen, as to promise you that I shall perform the arduous duties of which I have presented an imperfect sketch. All I dare say is, that I will exert an anxious, faithful, and unremitting endeavor to fulfil the expectations by which I have been so much honored. And may we not indulge the hope, that, with the blessing of Divine Providence, all our deliberations and all our proceedings may tend to sustain the dignity of the House, to maintain the honor and character of the country, and to advance the public welfare and happiness.

The oath to support the Constitution of the United States, as prescribed by law, was then administered to the Speaker by Mr. NEWTON, one of the Representatives from Virginia, and the same oath (or affirmation) was then administered by the Speaker to all the other members present.

A motion was then made by Mr. CAMPBELL, of Ohio, that MATTHEW ST. CLAIR CLARKE, Clerk to the late House of Representatives, be appointed Clerk to this House; and the motion was agreed to, unanimously.

The oath to support the Constitution of the United States, together with the oath of office, as prescribed by the act aforesaid, were then administered to the Clerk by the Speaker.

On motion of Mr. NEWTON, it was

Resolved, unanimously, That THOMAS DUNN be appointed Sergeant-at-Arms, BENJAMIN BURCH Doorkeeper, and JOHN OSWALD DUNN Assistant Doorkeeper to this House; and that they severally give their attendance accordingly.

On motion of Mr. TOMLINSON, it was

Ordered, That a message be sent to the Senate to inform them that a quorum of this House have assembled, and have elected HENRY CLAY their Speaker, and that this House is now ready to proceed to business; and that the Clerk do go with said message.

On motion of Mr. NEWTON,

Resolved, That a committee be appointed on the part of this House, to join such committee as have been or may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses have assembled, and are ready to receive any communications he may be pleased to make to them.

Ordered, That Mr. NEWTON and Mr. VAN RENSSELAER, be the committee on the part of the House, and that the Clerk do acquaint the Senate therewith.

And then the House adjourned.

TUESDAY, December 2.

Several other members, to wit: from Pennsylvania, PHILIP S. MARKLEY and ANDREW

VOL. VII.—38

STEWART; from Maryland, RAPHAEL NEALE, JOHN S. SPENCE, and HENRY R. WARFIELD; from Virginia, JOHN RANDOLPH; from North Carolina, HUTCHINS G. BURTON and THOMAS H. HALL; from South Carolina, JOHN CARTER and ANDREW R. GOVAN; from Ohio, THOMAS R. ROSS; and from Indiana, JONATHAN JENNINGS and WILLIAM PRINCE, appeared, produced their credentials, were qualified, and took their seats.

Mr. NEWTON, from the joint committee, appointed yesterday to wait on the President of the United States, reported that the committee had performed the duties of their appointment, and that the President answered that he would make a communication, in writing, to the two Houses this day.

A message from the Senate informed the House that they have passed a resolution authorizing the appointment of two Chaplains, of different denominations, during the present session, one by each House, who shall interchange weekly; in which resolution the Senate ask the concurrence of this House.

The said resolution was read, and concurred in by the House.

On motion of Mr. LATHROP, it was ordered that this House will, on Monday next, the 8th instant, proceed to the appointment of a Chaplain to Congress on their part.

A Message was then received from the PRESIDENT OF THE UNITED STATES, which was read, and committed to the Committee of the whole House on the state of the Union; and six thousand copies thereof ordered to be printed for the use of the members of this House. [For this Message see Senate proceedings, *ante* p. 466.]

The House then adjourned.

WEDNESDAY, December 3.

Two other members, to wit: from New York, SAMUEL LAWRENCE; and from Alabama, GEORGE W. OWEN, appeared, and produced their credentials.

RICHARD K. CALL also appeared, and produced his credentials, as the Delegate from the Territory of Florida.

FRIDAY, December 5.

Mr. LAWRENCE, of New York, Mr. OWEN, of Alabama, and Mr. CALL, delegate from Florida, were severally qualified, and took their seats.

Amendment of the Constitution—Election of President and Vice President.

On motion of Mr. McDUFFIE, of South Carolina, it was resolved that a select committee be appointed to inquire into the expediency of recommending to the several States the propriety of amending the Constitution of the United States in such manner, that the mode of electing members of the House of Representatives in Congress may be uniform throughout the United States; also, that the mode of choosing Electors for President and Vice President of the United

H. OF R.]

Commissioner to Greece.

[DECEMBER, 1822.]

States may be, in like manner, uniform; and, also, that the election of the said officers may, in no event, devolve upon the House of Representatives.

Messrs. McDUFFIE, ALEXANDER SMYTH, REED, STORRS, BUCHANAN, WICKLIFER, and OARY, were appointed a committee pursuant to the above resolution.

Mother of Commodore Perry.

The following resolution was offered by Mr. HAMILTON, of South Carolina:

Resolved, That the Naval Committee be instructed to inquire into the justice and expediency of allowing Mrs. Sarah Perry, the mother of the late Captain Oliver Hazard Perry, a pension during her natural life.

Mr. HAMILTON mentioned, in offering this resolution, that a bill embracing this object had been reported at the last session of Congress, but not acted on from the want of time. His present object was to revive that bill.

Mr. TRIMBLE, of Kentucky, not meaning to object to this resolution, suggested the propriety of including in it the case of Mrs. Lawrence, the widow of the gallant captain of that name.

Mr. HAMILTON said he thought that though the cases of the venerable Mrs. Perry and the widow of the lamented Lawrence, were in many respects similar, yet there were some points of difference in them which rendered it inexpedient to blend them together.

Mr. CAMBRELENG, of New York, disclaiming all opposition to the object of the resolution, an object in which he feelingly and fully concurred, was of opinion that the cases of Mrs. Lawrence and Mrs. Perry might better have a separate consideration. The case of Mrs. Perry required a distinct act of legislation—that of Mrs. Lawrence did not, being one of a class of cases heretofore regularly provided for by law, her husband having fallen in battle. But it should be remembered that, through some inadvertence, the act, providing pensions for the widows and orphans of naval officers killed in battle, was omitted to be revived at the last session of Congress, previous to which it had expired. The fund from which that relief was dispensed was a sacred one; it had been raised out of the Navy itself, and it should ever be held sacred to the object for which it was raised. He intended, on Monday, to move for a revival of the act, and if, as he trusted, it should be revived, he cherished a strong hope that the Committee of Claims would put the venerable lady who was the subject of the present resolution, also, on the pension list. The fund was ample to embrace both classes of cases.

The resolution was adopted; and the House adjourned to Monday.

MONDAY, December 8.

Another member, to wit, JOHN HECKIMER, from the State of New York, appeared, pro-

duced his credentials, was qualified, and took his seat.

GABRIEL RICHARD also appeared, produced his credentials, was qualified, and took his seat as the delegate from the Territory of Michigan.

Quapaw Indians.

Mr. CONWAY presented a memorial of the General Assembly of the Territory of Arkansas, praying that an appropriation may be made for the purpose of extinguishing the title of the Quapaw tribe of Indians to certain lands in that Territory.—Referred to the Committee of Ways and Means.

Relief of Vice President Tompkins.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows:

To the House of Representatives of the United States:

By an act of the last session of Congress, it was made the duty of the accounting officers of the Treasury to adjust and settle the accounts of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States. The accounting officers have, in compliance with this act, reported to me a balance of thirty-five thousand one hundred and ninety dollars, in favor of Governor Tompkins, which report I have had under consideration, together with his claim to an additional allowance, and should have decided on the same before the present time, had I not delayed my decision at his request. From the view which I have taken of the subject, I am satisfied, considering all the circumstances of the case, that a larger sum ought to be allowed him than that reported by the accounting officers of the Treasury. No appropriation, however, having been made by the act, and it appearing, by recent information from him, that the sum reported would afford him an essential accommodation at this time, the subject is submitted to the consideration of Congress, with a view to that object.

JAMES MONROE.

WASHINGTON CITY, Dec. 7, 1823.

Commissioner to Greece.

Mr. WEBSTER, of Massachusetts, submitted, for consideration, the following:

Resolved, That provision ought to be made, by law, for defraying the expense incident to the appointment of an agent, or commissioner, to Greece, whenever the President shall deem it expedient to make such appointment.

In offering the resolution, Mr. WEBSTER stated, it was far from being his wish, in any manner, to commit the House in this or any of the political contests of Europe; but the President of the United States having, in his Message to Congress, not only expressed a belief that the Greek nation, in its present struggle with its oppressors, had the good wishes of the whole civilized world, but also advanced the opinion that the Turkish dominion over that country was lost forever; he thought that, if such were the fact, it was important that Con-

DECEMBER, 1822.]

Delegate from Michigan.

[H. OF R.]

gress should act upon the subject. The United States, he said, had diverse interests in the Mediterranean, which might be seriously affected, more or less, by the course of events in that quarter. The main object he had in view, he confessed, was to obtain from this House an expression, responsive to the sentiment of the Message, in reference to the sacrifices and sufferings of that heroic people—sacrifices and sufferings which ought to excite the sympathy of every liberal-minded man in Europe as well as in this country. But, whatever might be the case with other nations, we certainly ought not to be restrained from expressing, with freedom, what are our views in relation to the Greek cause, so far as it may be done without committing ourselves in the contest. And he really did hope that we should show to the world, that there is, at least, one Government which does entertain a proper view of that barbarous despotism which, under the eyes of Europe, has been permitted, by a system of the foulest atrocity, to attempt to crush an interesting Christian nation. He did not desire that the resolution should be at present acted upon, but simply that it lie on the table for the consideration and deliberate reflection of this House.

The resolution was laid on the table, according to Mr. WEBSTER's motion, in preference to the suggestion of Mr. FOOTE, to refer it to a Committee of the Whole on the state of the Union, and of Mr. FARRELLY, to refer it to the Committee of Foreign Relations.

TUESDAY, December 9.

Two other members, to wit: from the State of Maine, STEPHEN LONGFELLOW; and from the State of Virginia, WILLIAM C. RIVES, appeared, were qualified, and took their seats.

Petition of the Daughter of General St. Clair.

Mr. JENNINGS presented a petition of Eliza Dill, one of the daughters of the late Major General Arthur St. Clair, of the Revolutionary army, on behalf of herself and sisters, praying to be allowed and paid the amount which she conceives to be equitably and justly due to the estate of her deceased father, on account of personal services rendered, and advances made for the public account, in the war of the Revolution.

WEDNESDAY, December 10.

Petition of the Society of Friends in favor of Slave Marriages.

Mr. LONG presented a memorial adopted at a yearly meeting of the Society of Friends, held at New Garden, in Guilford County, North Carolina, on the 6th of November, 1823, representing that they hold the marriage covenant the highest civil engagement amongst men; that it ought to be held sacred and inviolable; notwithstanding which, the masters of slaves are tolerated, by the laws of the land, in breaking

this most solemn contract, by separating husbands and wives; and praying Congress to adopt such measures as may be best calculated to meliorate the condition of slaves within its jurisdiction, at least within the District of Columbia; which memorial was referred to the Committee for the District of Columbia.

On motion of Mr. ROSS, the petition of the administrators on the estate of John H. Piatt, late of the State of Ohio, deceased, presented on the 31st December, 1822, together with the report of the select committee, made thereon, on the 3d of March last, was referred to a select committee; and MESSRS. ROSS, MALLARY, JENKINS, LONGFELLOW, MCCOY, VINTON, and FOOTE, of New York, were appointed the committee.

Road in the Territory of Arkansas.

Mr. CONWAY presented a memorial of the General Assembly of the Territory of Arkansas, praying that provision may be made for opening a public road from the town of Memphis, or Lower Chickasaw Bluffs, on the Mississippi, to Little Rock, the seat of government in said Territory; which memorial was referred to the Committee on Roads and Canals.

Two Roads in the Territory of Florida.

On motion of Mr. MCCALL, the Committee on Roads and Canals were instructed to inquire into the expediency of opening a road in the most direct and practicable route from Pensacola to St. Augustine; and further, to inquire into the expediency of opening a road from St. Mark's to Cape Sable, in the Territory of Florida.

THURSDAY, December 11.

The Carver's Grant.

Mr. TYSON presented a memorial of James L. Bell, and others, composing the Mississippi Land Company of New York, setting forth, that, at very great expense, they have acquired the title to all that tract of land situated in the Northwestern Territory, commonly called "Carver's Grant;" lying on the east bank of the Mississippi River, at the Falls of Saint Anthony, and praying that their title to said land may be confirmed; which memorial was referred to the Committee on Private Land Claims.

Delegate from Michigan—Election Contested on the Ground of Want of Citizenship of the United States and a Year's Residence in the Territory.

Mr. SCOTT presented a petition of John Bidle, praying that the election and return of Gabriel Richard, as the delegate, in this House, for the Territory of Michigan, may be set aside and his seat vacated, on the ground that said Richard was not, at the time of his election, nor is he yet, a citizen of the United States, and that he had not resided one year in said Territory, in the character of a citizen, previous to the election; which petition was referred to the Committee of Elections.

Decisions of the Supreme Court.

Mr. TRIMBLE, in offering to the House the following resolution, said it was well known that the decisions of the Supreme Court of the United States sometimes are not published until twelve or fifteen months after their rendition. He did not complain of this under the present system; but his object was to insure an earlier publication of the reports. He thought that those who are interested in the principles decided, should not be left so long ignorant of what those decisions were. To remedy this defect, he proposed the following:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any; and what, provision ought to be made by law, to insure a more speedy publication of the decisions of the Supreme Court of the United States.

Mr. PLUMER, of New Hampshire, said he could have no possible objection to the inquiry, but the fact is, that the existing law allows nine months for the completion of the publication, and that the time taken for that work had never, he believed, exceeded six months.

Mr. TRIMBLE said he was sure that the gentleman could have no objection to the inquiry. He thought it pretty obvious that those decisions might be published in two weeks, or, at all events, in three weeks. Now, I think, said Mr. T., that the people are entitled to know what the constitution is when a construction is given to it. At all events, the subject was worth inquiring into. He was sure that the inquiry could do no harm. He did not believe it was necessary to wait nine months for the reports, with no other view but to make it a profitable business to the reporter.

The resolution was then agreed to without opposition.

Accounts of Daniel D. Tompkins.

The House then resolved itself into a Committee of the Whole on the bill appropriating a certain sum of money for the relief of Daniel D. Tompkins.

The bill having been read—

Mr. COOKE rose and moved to strike out the enacting clause of the bill. He made this motion because the House were told, as the ground on which the act of the last session was passed, that there was a balance reported against the Vice President; that his services had been great; and that his situation was then such that it was not possible for him to pay the amount claimed of him. I was astonished (said Mr. C.) when I saw the report published, that a large balance was due by him to the Government, knowing it to have been admitted at the last session that there was no balance due to him. A similar case was brought before this House some years ago in the case of John H. Piatt. We were told that he had rendered essential services to the Government; that he was insolvent, and that nothing could be got from him. In the same manner, after a law

had passed in his favor, there was a report that there was a large sum of money due to this individual; but the House refused to appropriate it. And, Mr. C. said, before he could vote for this bill, he must be convinced that the money was really due to Mr. Tompkins. He should like to know, he said, upon what vouchers a report of this sort had been made. We are told by the President's Message, moreover, that this is not all the money that will be claimed in this case; and pass this bill, said Mr. C., and probably, before the Christmas holidays, we shall have another call upon us to appropriate, I am told, upwards of a hundred thousand dollars for the same purpose. It does seem strange to me, that those who are intrusted only with the disbursement of public money, should expend their own funds to the large amount of a hundred or a hundred and fifty thousand dollars. It is not usual for them to do so. And when we see a claim of this sort, which has lain dormant for a number of years, brought forward after all the circumstances of it are forgotten, we should have some proof exhibited to this House in support of it, before we put our hand into the public purse and take out the money of the people to pay it. I make these objections to ascertain whether the House will, without further information, vote away this sum of money, especially when they know that a much larger sum of money will be hereafter demanded of them on the same plea as this.

Mr. CAMBRELENG said he had not anticipated, after the documentary evidence which had been laid upon the table, that any gentleman, who had been a member of the last Congress, could have raised an objection to this bill. He, however, attributed the opposition of the gentleman from Tennessee to one of the best motives which could find a place in the bosom of any legislator—to a sense of the duty of examining with vigilance the merits of every appropriation which comes before him. At the last session, said Mr. C., we passed a law directing the accounting officer of the Treasury to adjust the accounts of the Vice President, upon the principles of justice and equity. They have discharged this duty; and I will advert to the circumstance, that the accounts have passed under the scrutiny of the best accounting officer of the Government—I mean Mr. Hagner, whose assiduity and severe justice the gentleman from Tennessee understands as well as I do. In reference to the case of Mr. Piatt, to which the gentleman from Tennessee had adverted, Mr. C. said he had supposed that with his well-known sagacity, the gentleman from Tennessee would have been able to discern the distinction between the present case and that of Mr. Piatt, and explain to him the ground of the objection to making an appropriation in the latter case. In that case, Mr. Cutts, the Comptroller, awarded a balance of \$60,000 in favor of Mr. Piatt, and Mr. Hagner a balance of \$40,000 against him. Thus, when the House was called upon to appropriate money for the payment of the

DECEMBER, 1823.]

Accounts of Daniel D. Tompkins.

[H. OF R.]

claim, it declined doing it because of the want of harmony between the decisions of the two accounting officers. But, in the present case, there is no want of harmony; the amount in this case is clearly due from the United States, by the decision of all branches of the Government. We have knowledge that the jury, which attentively examined this case, awarded to Mr. Tompkins a much larger sum. The award of the Third Auditor has fallen far short of the amount claimed, and the President, approving the award as far as it goes, reserved his decision as to the remainder. When that decision, which the gentleman from Tennessee looked forward to with so much alarm, should be made, Mr. C. said he should be ready to meet the gentleman on any ground. I might, said he, attempt to attract the sympathy of this House on this occasion; but I will not do it. It will be time enough to speak of the distinguished services of Mr. Tompkins when the occasion comes, as I presume it will, for discussing the propriety of allowing a further amount. We are now, however, called upon to act clearly within the principle of the law of the last session, the amount asked being a balance actually reported by the accounting officers, to be due to the Vice President.

Mr. McLANE, of Delaware, rose to call the attention of the House to a few of the facts of this case. The opposition of the gentleman from Tennessee was not a matter of surprise, when the House considered the ground of it. But how was the fact? This was not the case of an individual, asking of the House a gratuity or unauthorized allowance, but asking of them to do what the Congress was already pledged to do. Under these circumstances, it was at least to be expected that the friends of the bill should not be met by general surmises as to the state of the accounts of the person in question. The services of the individual, whose claim was now under consideration, could not be unknown to any gentleman here. We all know his services, said Mr. McL., which, at a very dark and gloomy period, were exceedingly patriotic, important to his country, and disinterested. We all know that, at a moment when others were husbanding their funds, or dealing them out with a very scanty hand, this man risked every thing for the public cause, and staked his private fortune in its support. It is to services thus rendered, that his present embarrassments may be traced. In consequence of them, he now calls on his country, not for charity, but for justice. It is known to everybody that these accounts of his have remained suspended for a number of years; that the amount of his claim was much larger than in these years the Government was at any time willing to allow. The Government assumed one principle as the basis of settlement—he another. According to his statement of his case, a much larger credit was due than the Government was willing to give him. On suit being commenced by the United States, for the bal-

ance alleged to be due by him, a jury of his country awarded a balance of account in his favor to the amount of \$139,000. Under these circumstances, he comes to Congress. They take his case into consideration, and what do they do? They provided for his relief, by the act of the last session, in the following words:

"Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, authorized to adjust and settle the accounts and claims of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States."

Congress then referred the adjustment of his accounts to the officers of the Treasury, and imposed a further check on them by calling in the ultimate decision of the President of the United States. They authorized the settlement of his accounts, upon the principles of equity and justice. We are not here to examine what were the motives of every individual who voted in favor of the act of the last session, but we are to take the law as it is. But, for one, said Mr. McLANE, I am free to say that, if the gentleman limited his views of equity and justice to the affair of profit and loss—to the matter of balancing the account, his views were not the same as mine. Would the honorable gentleman say whilst, on the one hand, he would allow the account to be balanced, he would not, on the other, pay any balance which might appear to be justly due to this individual? That, if he should appear to be indebted to the United States, we should pursue him, made poor in public service, with the hard hand of strict justice; but that, if the United States were found indebted to him, they should, with their abundant Treasury, not pay to him what is justly due? Congress could have had no other intention in the law of the last session, Mr. McL. said, than that if a balance should be found to be due to Mr. Tompkins, it should be paid to him. Under the authority of our law, these accounts have been settled: the President has revised the settlement, and, in his opinion, a larger balance is due than has been allowed by the accounting officers. This bill goes no further than to give the sum which is certainly due, reserving the balance of the accounts for further investigation. No weight, Mr. McL. hoped, would be given to the consideration that, hereafter, more might be found to be due to the individual concerned than was now proposed to be granted to him. For myself, said he, I am free to declare, that if the accounting officer under the direction of the President, should find an amount due to him equal to the amount of the verdict of the New York jury, I, for one, would freely vote it to him.

Mr. CLAY (the Speaker) then rose and said, that, to him, it appeared that the considerations urged by the gentleman from Tennessee would

have been in their proper place, if urged at the last session, but were certainly out of place at this time, when we are called upon, not to investigate a new claim, but to redeem the pledged faith of the public. On such a question, it was entirely unnecessary for the friends of the Vice President to refer to the public services, eminent as they had been, of the distinguished gentleman in question. This was not a fit occasion to introduce them. If the claimant were the meanest and the most obscure individual in society, the House were equally bound to pass that bill. For, what was it? The accounts to which it refers had long been pressing on the public for liquidation; they had at length been brought before this House; and, after deliberate consideration, an act is passed for their final settlement. The accounts were quietly examined and liquidated by the accounting officer. But, mark the precaution by which that act is characterized! Not only were those accounts to be submitted to the severe scrutiny of the most rigid officer of this Government—an officer whose scrupulous accuracy in the admission of accounts against the Government is as deservedly approved as it is universally known; but, after they had gone through the crucible, after they had been subjected to all the jealous scrutiny of this vigilant officer, they are to be submitted to the President for revisal. The President revises them, and then he sends to this House a Message, in which he declares, not only that he is satisfied that this balance is justly due, but that much more is due to him. Under such circumstances, all that is now asked is, that we shall pay so much as has been thus ascertained to be due. It is, in fact, to do nothing more than supply the defect of the act of the last Congress, in which, by some omission, no appropriation had been made to meet the balance, if, according to the provisions of that act, a balance should have been ascertained to be due to Mr. Tompkins. Now, what does the gentleman from Tennessee tell us? He wishes to know the ground of the settlement. He wants, in short, to settle this account himself—to see the basis on which the officers of the Treasury proceeded in coming to the decision which they have laid before the President. This, Mr. C. said, might have been proper when the subject was under consideration at the last session; but Congress had committed the liquidation of these accounts to another tribunal. It had committed it to the accounting officers of the Government, gentlemen whose characters were unimpeached, and on whose accuracy, in this settlement, no reflections had been cast. The gentleman from Tennessee, whose vigilance over the Treasury was the admiration of the country and of the House, should have reserved the remarks with which he had favored the House, until the time when a final settlement of the demands of the Vice President on this Govern-

ment is called up in this House; but now, when the sum reported is incontestable, when all the guards of the Treasury unite in declaring it justly due, when all that is asked is to supply a deficiency in the law of the last session, those remarks, however eloquent, would, he trusted, have no weight.

Mr. LIVERMORE said that he was opposed to the appropriation, and of course in favor of the amendment proposed. He had great respect for the individual concerned—no man cherished a higher opinion of his services; but the House was now called upon to decide a great question. The act of the last session empowered the officers of the Treasury to settle this account. The account was not settled—the President's Message expressly declares it remains unsettled. He has to be sure partially examined it, but that is all. Mr. L. said he was willing to pay as much respect to Executive recommendations as any man, but he wanted to see what was due. To use a familiar phrase, he did not like entering-wedges. Congress had been led on in this way on other occasions. In the case of the Cumberland road, for instance, the sum asked was small at first, but it grew larger and still larger, until, at length, it became intolerable; and Congress would vote no more for it. If he were sure the appropriations for the Vice President were to end here, he would vote the sum at once, but the House were threatened with a claim for other and larger amounts. The settlement had been delayed at the request of the claimant himself. He did not like to be led on blindfold, and wished to know at once how far he was to go.

Mr. TRIMBLE said that he believed his worthy friend from New Hampshire was under some mistake in his conception of this subject. In ordinary cases of this description, a fund was provided out of which the public creditor, if his demand was just, and the documents in proof of it were regular and sufficient, received his due without further difficulty. But, if it should happen that his vouchers, though substantially evincing the justice of the demand, were wanting in due form, or were of a kind not admitted in settlement by Treasury rule, then an application to Congress was necessary, and Congress, when they knew such to be the fact, would order the account to be settled on principles of equity and justice; that is, as he understood it, without excluding valid evidence though of an informal or irregular sort. This was a matter of every day occurrence. The case of Mr. Tompkins was one of this description; there were informal vouchers held by the claimant, which showed him to be justly entitled to what he claimed, and the question was not, now, whether the gentlemen from Tennessee and New Hampshire were to audit those vouchers; they had already been audited; but, by some omission, for which he was at a loss to account, there

DECEMBER, 1823.]

Grants of Land for Education.

[H. OF R.]

was no appropriation in the bill to meet the result of such settlement. The claim had, at the last session, been submitted to a committee, of which he had the honor to be a member, and he saw gentlemen near him who had been his companions in the same service. It had been carefully examined, and afterwards by law submitted to the Treasury officers. Those officers have reported that this balance is due. Now, I pray you, said Mr. T., when the account has, thus far, been settled, why is it not to be paid? The gentleman from New Hampshire had insisted that nothing should be paid until we knew the whole that we had to pay. But what would he say to a paymaster, for instance, who held a large amount of Government money—acknowledged himself to hold it—acknowledged it to be due—but who, having other accounts unsettled at the Treasury, should say to the Government, I owe you this balance, clear of all demands, but my other account is not settled, and I will not pay a dollar of what I owe you until I know all that I must pay on the final settlement? He believed the gentleman would call such a paymaster a dishonest man. But why is Government to be bound by different rules in paying its debts from those which bind an honest man?

The question was then taken on striking out the enacting clause of the bill, and decided in the negative, by a large majority.

Mr. COCKE then moved an amendment to the bill, the object of which was to declare that the amount now appropriated should be *in full* of the claim of Mr. Tompkins.

The amendment was also negatived, by a decided majority; and the bill was ordered to be engrossed for a third reading to-morrow.

FRIDAY, December 12.

Another member, to wit, from New Hampshire, ICHABOD BARTLETT, appeared, was qualified, and took his seat.

Chaplain to the House.

A message from the Senate informed the House that the Senate have elected the Rev. WILLIAM STAUGHTON a Chaplain to Congress, on their part, during the present session.

County Seats in Arkansas Territory.

Mr. CONWAY presented a petition of the General Assembly of the Territory of Arkansas, praying that a quarter section of land may be granted to each of the counties of Hempsted, Miller, and Crawford; to be improved and occupied as the seats of justice of the said counties. Referred to the Committee on Public Lands.

Naval Peace Establishment.

Mr. FULLER submitted the following resolution, viz:

Resolved, That the President of the United States

be requested to communicate to this House a plan for a Peace Establishment of the Navy of the United States.

The resolution was ordered to lie on the table one day, under the rule.

MONDAY, December 15.

Another member, to wit, from Virginia, BURWELL BASSETT, appeared, produced his credentials, was qualified, and took his seat.

Naval Officers—Inquiry into their actual service at sea.

Mr. MERCER presented the following resolution, which lies one day of course:

Resolved, That the Secretary of the Navy be directed to transmit to this House a list of the officers of the Navy of the United States, denoting the periods of their admission into the public service, the dates of their present commissions, and the time of their actual service at sea since the 1st of January, 1815.

TUESDAY, December 16.

Another member, to wit, from New York, ALBERT H. TRACY, appeared, was qualified, and took his seat.

Grants of Land for Education.

Mr. KENT moved that the House do come to the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of making such an appropriation of the public lands to the purposes of education, in those States to which no grants have yet been made, as will correspond, in a just proportion, with the appropriations which may have been made heretofore, in favor of those States; and that said committee have leave to report by bill or otherwise.

Mr. KENT said, he offered the resolution just read, not only from the importance of the object embraced by it, but because certain resolutions which had passed the Legislature of the State of which he was a representative, had been presented to the last Congress, and not finally acted on. His object in calling the attention of the House to the resolution at this time, was, to obtain their decision on it, if favorable, that the State of Maryland, and those States equally interested with her, might derive the contemplated advantages from it; but if, contrary to their just expectations, the decision should be unfavorable, that they might turn their attention to some other source for the promotion of the important purposes of education. He would mention, for the information of the House, that Maryland was not singular in adopting the principle contained in the resolution; that it had received, after a deliberate examination, the approbation of the Legislatures of several of the States—the disapprobation of but few. Mr. K. hoped the resolution would be adopted, that the subject might be fully examined.

The question being on agreeing to the resolve, Mr. RANKIN observed, that a similar proposition to that now offered had been brought forward by the gentleman from Maryland, at a former session of Congress; and he regretted that it had not, now, been thrown into the same form as when before offered. It was then presented in an affirmative shape, which afforded facility for a more direct and immediate discussion of the merits of the proposition by the House. He was opposed to the reference of this inquiry to a select committee, if it went to a committee at all; not on any special, but on a general principle. It was the well-known and universal usage, in appointing select committees, to compose them of the known friends of the measures proposed; in consequence of which only an *ex parte* view of subjects was presented to the House in the reports of the committees, and time was consumed in obtaining, by discussion, the views of gentlemen of the opposite opinion. But, a standing committee was a sort of general tribunal, composed neither of the friends nor the opposers of any particular measures—such a committee was likely to present a more general view of subjects committed to their consideration, than a select committee; and, should they report against any particular measure, its advocates had still their appeal to the House, and full liberty to discuss its merits. He thought the subject of the resolution had better be referred to the Committee on Public Lands—not because he happened personally to be connected with that committee, but because the nature of the object embraced by the resolution seemed naturally to belong to it.

Mr. JENNINGS said, he apprehended the resolution was not very well understood by the House. It certainly was not by him, judging from the remarks which had been made upon it. For further examination of it, he moved that the resolve lie on the table, and be printed.

Which motion was agreed to.

WEDNESDAY, December 17.

Another member, to wit, from Pennsylvania, HENRY WILSON, appeared, was qualified, and took his seat.

Civilization and Education of the Indians.

Mr. HEMPHILL presented a memorial of a meeting of the Synod of Philadelphia, embracing the Presbyterian Churches in the southwestern part of New Jersey, the Eastern District of Pennsylvania, the States of Maryland and Delaware, and the District of Columbia, convened at Georgetown, in said District, in October, 1823, praying for an increase of the annual appropriation for civilizing the Indian tribes and introducing the knowledge of letters among them; which memorial was referred to the Committee on Indian Affairs.

THURSDAY, December 18.

Three other members, to wit: from Louisiana, HENRY H. GURLEY and EDWARD LIVINGSTON; and from New York, JOHN J. MORRIS, appeared, were qualified, and took their seats.

FRIDAY, December 19.

Widow of Captain Lawrence.

Mr. CROWNSHIELD, from the Committee on Naval Affairs, made a report on the petition of Julia Lawrence, widow of Captain James Lawrence, deceased, late of the Navy of the United States, accompanied by a bill further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service; which bill was read twice, and committed to a Committee of the Whole.

MONDAY, December 22.

Dry Tortugas—Abaco—Hole in the Wall—Bahama Banks—Light-houses, Beacons, Buoys, Floating-lights.

Mr. LIVINGSTON laid the following resolutions on the table for consideration on tomorrow, viz:

Resolved, That the Secretary of the Treasury be directed to report what progress has been made in erecting light-houses on the Dry Tortugas, and at or near Cape Florida; and that he also report whether the security of the navigation of the Gulf Stream, between Florida and the Bahama Banks, does not require the erection of light-houses, or beacons, or the placing of buoys or floating-lights on some other places, on or near the coast of Florida.

Resolved, That the President of the United States be requested to negotiate with the Government of Great Britain for a cession of so much land on the Island of Abaco, at or near the Hole in the Wall, and at such other places, within the acknowledged dominion of that power, on the islands, keys, or shoals, on the Bahama Banks, as may be necessary for the erection and support of light-houses, beacons, buoys, or floating-lights, for the security of navigation over and near the said banks, and to be used solely for such purposes.

Resolved, That the Secretary of State be directed to ascertain and report to this House, whether the rocks called the double-headed shot keys, or any other of the rocks or desert islets, near the Bahama Banks, but separated therefrom by a deep channel, and on which the security of navigation of the Gulf of Florida requires that light-houses or beacons should be placed, are within the dominion of any and what foreign Kingdom or State, or whether they are not now subject to be appropriated by the right of occupancy.

Amendment of the Constitution—Election of President and Vice President.

Mr. McDUFFIE, from the committee appointed "to inquire into the expediency of recommend-

DECEMBER, 1823.] *Amendment of the Constitution—Election of President and Vice President.* [H. or R.]

ing to the several States the propriety of amending the Constitution of the United States, in such manner that the mode of electing the members of the House of Representatives in Congress may be uniform throughout the United States; also, that the mode of choosing Electors of President and Vice President of the United States may be, in like manner, uniform; and, also, that the election of the said officers may, in no event, devolve upon the House of Representatives;" made a detailed report, accompanied by a joint resolution, proposing an amendment to the Constitution of the United States, in respect to the election of a President and Vice President of the United States; which resolution was read twice, and committed to a Committee of the whole House on the state of the Union. The report and resolution are as follows:

The committee, profoundly impressed with the importance of the propositions embraced in the resolution under which they have been appointed, have felt a corresponding sense of the magnitude and difficulty of the duty imposed upon them by the order of the House. To devise a plan for the election of members of the House of Representatives, and of the President and Vice President of the United States, which will correct existing and obviate impending evils, and, at the same time, harmonize the conflicting views of States, variously situated, and variously affected by it, has been the anxious desire and laborious effort of the committee. How far they have been successful in accomplishing these great objects, they submit it to the indulgence and liberality of the House to determine.

The Constitution of the United States provides, that "the times, places, and manner, of holding elections for Representatives, shall be prescribed, in each State, by the Legislature thereof; that Congress may, at any time, by law, make or alter such regulations." It also provides, that "each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress."

The plan submitted by the committee, proposes that each State shall be divided into as many districts as will equal the number of Representatives to which the State may be entitled in Congress; and that each of the said districts shall elect one Representative. It also proposes, that each of the said districts shall choose one Elector of President and Vice President of the United States; and that the Electors, thus appointed in each State, shall have the two additional Electors to which the State is entitled.

From this collated view of the existing provisions and proposed amendments of the constitution, it will be seen that a fundamental change is contemplated, in reference to the mode of choosing members of the House of Representatives, and Electors of President and Vice President of the United States. It is a change, however, which counts among its strongest claims to our favorable consideration, its absolute efficacy in preventing changes. For it will fix upon uniform principles those creative operations of popular sovereignty, which are now liable to be controlled by the diversified and clashing expedients of twenty-four States, mutually independent. Indeed, an attentive consideration of the nature and functions

of a written constitution, will lead us to the extraordinary but manifest conclusion that, in relation to the mode of choosing the popular branch of the National Legislature, and of the Chief Executive Magistrate of the Republic, we have no constitutional provision at all. A fixedness and permanence, not liable to be disturbed by ordinary acts of legislation, are essentially involved in the elementary notion of a constitution. Accordingly, in all Governments having any just pretensions to civilization or freedom, it has been a primary object to secure those fundamental canons which give organization and impulse to the political system, against any changes proceeding from an authority less solemn and weighty than the source of sovereignty itself. To secure liberty against the violent tyranny of successive and temporary factions, and, also, against the more systematic encroachments of ambition, this extraordinary stability of the law, which constitutes the Government, has been found, by universal experience, to be an indispensable safeguard. Yet, in direct violation of this primary and essential principle of regulated freedom, the very foundations of the two most important branches of this Government are permitted to fluctuate with the mutable counsels of twenty-four separate Legislatures. The committee, therefore, believe that the plan proposed is recommended, not less by the consideration that it permanently and uniformly fixes the rule which it introduces, than by the intrinsic superiority of that rule to any other that has been adopted, amidst the changes incident to the existing state of constitutional laxity.

Under the existing system, if system that may be called which is without system, the inquiry in the respective States is not, which is intrinsically the best mode of choosing Representatives in Congress, and Electors of President and Vice President of the United States, but what is the best defensive expedient to counteract the regulations of other States, and secure the utmost relative weight in the affairs of the Union. The party which happens to have the ascendancy will thus be furnished with pretexts, at least plausible and imposing, for the adoption of measures calculated to deprive the minority of their just rights, and tending to produce, as they invariably have produced, that acrimonious political excitement which inevitably results from injustice and oppression, however disguised or palliated by motives of public expediency. To prevent majorities from exercising this sort of oppression, is one of the primary objects of a written constitution.

With these general preliminary views, the committee will proceed to the separate consideration of the amendments embraced in the plan submitted to the House.

It has been seen that the "times, places, and manner," of electing the members of this House, are now liable to be prescribed by the Legislatures of the several States, subject to the controlling and superseding power of Congress.

In addition to the remarks already made on the political solecism of placing it in the power of every State government virtually to change the constitution of the Union, the committee feel bound to examine briefly the nature and tendency of the power thus vested in Congress.

If it should happen to this, as it has happened to all other free countries, that the administration of the Republic should fall into the hands of a faction; of men who, having acquired power by corrupt

combinations, would be disposed to retain it in opposition to the will of the people, and to exert it in opposition to their interests, the power in question would become exceedingly dangerous. It is in such periods that the barriers of the constitution are most essential; because it is in such periods that those, from whose reluctant grasp the sceptre of dominion is about to be wrested by an indignant people, are exposed to the strongest human temptation to perpetuate their authority by every desperate expedient not absolutely prohibited.

And does not the constitution almost literally place in their hands precisely such an expedient in the power of regulating the elections of the members of this body? It is susceptible of demonstration, that the elections might be so arranged by a party in power, that a small minority of the people would elect a majority of the national representatives. The mode of operation would be various, according to varying circumstances. Sometimes the object would be accomplished by changing the district into the general-ticket system; sometimes by an artificial arrangement of districts; and sometimes by a skilful combination of both. As nothing is too desperate for a faction, struggling for existence, let us suppose that they should prescribe, as they would have the unquestionable power to prescribe, that, in all those States where a majority of the people were favorable to their purposes, the representatives should be elected by a general ticket, thus suppressing the voice of the minority; and, that all the States opposed to their domination, should be divided into districts, in such manner that the minority of the people should elect a majority of representatives. As examples of such high-handed proceedings are already to be found in the history of several of the State governments, the supposition that the General Government, with more powerful inducements to mislead it, will, at some future period, pursue a similar course, cannot be considered extravagant or improbable.

The committee therefore feel the deepest conviction, that the power now vested in Congress, of controlling the election of its own members, is utterly inconsistent with every just conception of constitutional liberty, and ought no longer to exist.

Having thus attempted to show the necessity of a plan of such permanence, as equally to exclude the disturbing influence, both of the General and State Governments, the committee propose to examine the comparative advantages of the general-ticket and district systems of electing the Representatives in Congress. It will scarcely be denied, that a just regard for the relative weight of each State in the affairs of the Union, requires that one or the other of the systems should prevail in all the States. Upon any question of national policy, in relation to which the interests or wishes of two States should stand mutually opposed, it would be obviously unjust that the one should have, by means of a general ticket, an undivided vote in this House; while the other, electing by districts, might be almost neutralized by her divisions. It remains, therefore, only that we inquire which of the two systems is intrinsically the best.

In favor of the general-ticket system, it has been urged, with considerable plausibility, that, by extending the sphere of selection, the number of competitors, of competent qualifications, will be proportionally increased, and that the influence of demagogues, who can only operate effectually in a small sphere, will be greatly diminished.

It cannot be denied that it sometimes happens that a particular district might select a representative residing out of its limits, better qualified than any residing within them; but, it is to be remarked, that there is nothing in the system proposed, which will prevent a district from electing any resident citizen of the State, without regard to the particular place of his residence. It is true that each district will generally elect one of its own citizens, from obvious considerations justifying the preference. But this, so far from being an objection, would tend to produce a distribution of the talent of the State, in every view desirable; for it has been found that talents, like every thing else, will naturally seek the market which promises the most appropriate reward.

That part of the argument under consideration, which assumes that the district system is calculated to give to the arts of demagogues an undue ascendancy, is worthy of a more serious consideration. It will be admitted that this system enables the constituent to become better acquainted with his representative than is practicable under the other. Can it be maintained, then, that, in proportion as we increase the opportunities of the people to obtain a knowledge of the character and qualifications of the candidates, we diminish the chances of a judicious selection? Is it true, that, in a fair competition before the people, art and hypocrisy will prevail over talent, integrity, and independence? On the contrary, it is confidently believed that truth will ultimately prevail in all competitions before the people, if maintained with an ability and firmness equal to that by which error is supported. This proposition is the basis upon which only a representative democracy can be sustained. If it be not true, it then becomes expedient to devise some scheme which will virtually take from the people the elective power. And the committee are of opinion that the general-ticket system is precisely of this description.

In a State of any considerable extent, almost every candidate must, in the nature of things, be unknown to the great body of the people. They, of necessity, vote by faith, and not by knowledge; and the few distinguished politicians who are selected to concentrate the popular opinion, acquire a control over it little short of the power of absolute dictation. Universal experience teaches us that few men are to be found, of sufficient firmness and purity to resist the temptation to abuse such power. Cabals and factious combinations, stimulated by selfish views of aggrandizement, are the inevitable consequences.

But it is not to be expected that this sort of domination will be quietly submitted to by those politicians who have no participation in it. A contest for the dictatorship ensues, agitating the community and destroying the harmony of society, by mere personal and family feuds, when there is no difference of principle between the contending parties.

Nor would the evil effects of this state of things be confined to the State. As the political course of opposing parties is very much determined by feelings of mutual antipathy, it would frequently happen that when one party supported the existing administration of the General Government, the other would stand opposed to it. Under these circumstances every revolution produced by the alternate successes and defeats of these rival parties, might increase or diminish the supporters of the General Government, by the whole number of the Representatives of the State in Con-

DECEMBER, 1823.]

Imprisonment for Debt.

[H. OF R.]

gress. Besides the mutability which would be thus communicated to the national councils, the General Government, feeling its power to be identified with the fate of a State party, would be tempted to interfere in the political struggles of that State. And when we consider the effect which might be produced by the judicious distribution of patronage amongst the leaders in such contests, we cannot doubt that the facility and the means of such interference are equal to the temptation.

It may be justly said of the plan of voting by a general ticket, that it is not consistent with the true theory of a popular representation. The popular branch of the National Legislature should exhibit a faithful image of the people. When, for example, a State is divided in its interests and opinions, when some districts are agricultural, some manufacturing, and some commercial, and, if you will, when some are republican and some federal, each of those districts of people should have a fair representation in Congress. Because one interest or one party happens to be predominant in a State, it is no adequate reason that the rest should be disfranchised and have no voice in the national councils. This, indeed, would not be a representation of the people, but of the States; giving to this House a federal, instead of a popular origin and character.

A little reflection will convince us that this is not a mere nominal distinction. Upon all the great political questions, by which this, like all other free Governments, must be often divided into parties, the general-ticket system, by entirely suppressing the voice of the minority, would cause the representation from each State, in Congress, to be unanimous, on one side or the other. Thus would States be arrayed against States on this floor, stimulated by pride, heated by collisions, and estranged by feelings of rivalry, and throwing into the discussions here all the violence of local feelings and local prejudices. By the inevitable tendency of this state of things to produce a geographical formation of parties, we need not the prophetic spirit of Washington to warn us that the harmony of the Union would be destroyed, and perhaps its existence endangered.

Every thing that tends to strengthen the peculiar and exclusive feelings of State pride and sectional prejudice, inevitably weakens the bonds of the Union. We are, therefore, urged, by all the considerations that attach us to this great palladium of our security and happiness, to adopt such an organization as will break those large masses of political power, whose collisions can never fail to shake our system to its deepest foundation. It ought never to be forgotten, that the citizens of this Republic, though subdivided into States for certain essential purposes, are one people, in all that relates to the General Government. Born to a common inheritance, purchased by the toils, the sacrifices, and the blood of their common ancestors, they should be united, not less by the ties of common sympathy and kindred feeling, than by those of common interest. With a view to give strength and durability to these essential bonds of union, it is of the utmost consequence that the local minorities in the several States, and various geographical divisions of our extensive country, should have a fair and full representation in Congress. In periods of deep political excitement, nothing is better calculated to allay sectional animosities, and subdue the angry spirit of faction, than the mediatorial influence of such representatives.

The report concludes with the following resolution:

Resolved, &c., That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths thereof, shall be valid, to all intents and purposes, as a part of the said constitution:

"The person having the highest number of votes as Vice President, given at the first meeting of the Electors, shall be the Vice President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, and a President shall not have been chosen, at such first meeting, the same proceedings shall be had for the choice of a Vice President as are prescribed for the choice of a President; but if, at the first meeting of the Electors, a President shall have been chosen, and a Vice President shall not have been chosen, then, from the persons having the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; and a majority of the number present, and voting, shall be necessary to a choice.

"The Congress may, by law, fix the day for appointing Electors for President, and Vice President, and the days for giving their votes the first and second time, which days shall be the same throughout the United States; and the day for giving their votes the first time, shall be not less than ten, nor more than twenty days from the day fixed for the appointment of Electors.

"The Legislature of each State shall have power to appoint the places of holding elections for the appointment of Electors, to prescribe the manner of voting, and to provide for the appointment of proper persons to conduct such elections, with authority to declare, definitively, the result thereof; but the Congress may, by law, make or alter such regulations, and may also lay off into districts, for appointing Electors, any State, the Legislature whereof shall have failed to lay off the same as herein directed."

TUESDAY, December 23.

Another member, to wit, from Virginia, JOHN FLOYD, appeared, was qualified, and took his seat.

European Combinations to re-subjugate American States of Spanish origin.

Mr. MALLARY laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to lay before this House such information as he may possess, (which may be disclosed without injury to the public good,) relative to the determination of any sovereign, or combinations of sovereigns, to assist Spain in the subjugation of her late colonies on the American continent; and whether any Government of Europe is disposed or determined to oppose any aid or assistance which such sovereign, or combination of sovereigns, may afford to Spain for the subjugation of her late colonies above mentioned.

Imprisonment for Debt.

Mr. WEBSTER, from the Committee on the Judiciary, to whom was referred the bill from

the Senate supplementary to the act "for the relief of persons imprisoned for debt," reported the same, with an amendment, changing the whole tenor of the bill.

Mr. WENSTER explained the grounds on which the Committee on the Judiciary had proposed this amendment. The act of 1800, he said, provided that the oath, in the case of insolvent debtors, should be administered by the district judge; but, if he resides more than twenty miles from the place of imprisonment, then the oath may be administered by a commissioner, to be appointed by the district judge. The bill from the Senate proposes to provide, further, that, where a citation has been issued, in case of absence or inability of the judge, &c., the oath may be administered by a commissioner, according to the mode prescribed by the act of 1800. The committee of this House, on examining the subject, thought it better to provide that in all cases the required oath may be administered by a Judge of the Supreme Court, the district judge of the district in which he resides, or by any commissioner appointed by either of them. In the shape in which the bill came from the Senate, it would not afford a remedy, it was believed, in the very case which gave rise to it.

The House concurred in the amendment reported by the committee; and, thus amended, the bill was ordered to a third reading.

Light-houses, Beacons, &c., on Bahama Islands.

The resolutions submitted yesterday by Mr. LIVINGSTON, calling on the Secretary of the Treasury for information respecting light-houses and beacons, on the Bahama Banks and coast of Florida, and requesting that the President may negotiate for the cession of so much land on Abaco as is necessary for the erection of a light-house, were taken up.

In supporting the resolutions, Mr. LIVINGSTON observed, in relation to the first of them, that he was well aware that measures had already been taken by Government, preparatory to the erection of light-houses on two of the points referred to, viz: on the Dry Tortugas, and at or near Cape Florida. But, although the necessary surveys were nearly completed, much time must unavoidably elapse before a report of the proceedings could be laid before the department to which they appertained; and, in the meanwhile, sufficient information might be laid before Congress to authorize them to act upon the subject, so that the Secretary of the Treasury could advertise, the ensuing season, for contracts for erecting the several works contemplated in the resolutions. Those works, Mr. L. said, were of pressing necessity. The navigation of the seas, over and within the vicinity of the Bahama Banks, was exposed to very great danger, and had already suffered much from shipwrecks. Not to mention the losses which had thus occurred to vessels in the merchant service, the United States had suffered, in wrecks of her public armed vessels

in those seas, more than would have sufficed to cover the expense of the entire system of measures proposed in these resolutions.

The second resolution he conceived to be necessary for making the navigation of the Bahama channel, both ways, secure. Ships were continually passing over the Bahama Banks, where the water was shallow, and the neighboring land very low; in consequence of which, they were imminently exposed to shipwreck. The wrecks on Abaco alone would, he said, amount to an immense sum. A light-house on that island, at or near the site of the Hole in the Wall, would greatly, if not entirely, remove the danger which now existed, and render navigation safe. But, for the erection of such light-house, previous negotiation would be necessary, in order to obtain the ground on which to build it. Of the success of such negotiation, there could be no doubt. The British Government had no interest hostile to such a measure; but, on the contrary, they were interested in its favor, for the same reason with ourselves, although not to the same extent. Besides the spots on which light-houses were erected, there were others which ought to be designated by buoys.

The third resolution, Mr. L. said, was intended to obtain information in respect to a class of islets, concerning the true jurisdiction of which, he confessed himself to be ignorant; he meant those small rocky islands which are separated from the Bahama Bank by deep channels, and therefore might possibly be considered as not included in the British jurisdiction, which confessedly extends over the bank itself. If, on investigation, it should appear that these islets do belong to Great Britain, then they would be included in the range of the second resolution, which relates to the cession of the requisite territory for light-houses and beacons. But if, on the contrary, it should be ascertained that they are not British territory, then a question would arise, whether they were not liable to become ours by right of occupancy. They would afford temptations to occupancy for no other purpose than that proposed in the resolution. They contain, in general, no soil, being little more than bare rocks washed by the sea; yet are of such formation as to admit of the placing of buoys and beacons upon them for the warning and direction of the mariner, &c.

The question was then taken on the resolutions of Mr. LIVINGSTON, and they were agreed to, without opposition.

FRIDAY, December 26.

South American Colonies.

The resolution yesterday offered by Mr. MALLARY, calling on the President for any information he may possess (and which may be disclosed without injury to the public good) relative to the determination of any sovereign or sovereigns to aid Spain in regaining her American Colonies; and the disposition of any

DECEMBER, 1823.]

Naval Pensions.

[H. OF R.]

other European Government to oppose it, was taken up.

In support of his resolution, Mr. MALLARY rose and observed, that it would be recollected, by every gentleman present, that the message received at the opening of the present session from the President of the United States, was of an extraordinary and strongly marked character. Its introduction prepared the House for subjects of great importance; nay, the President went so far as to say that "there never was a period, since the Revolution, when, regarding the condition of the civilized world and its bearing on us, there was greater necessity for devotion in the public servants to their respective duties, or for virtue, patriotism, and union, in our constituents." When we come to examine the body of the message, said he, we discover nothing to which this language can apply, except the situation of the great European powers, and the bearing which that situation may have upon this country. Those powers had united their efforts against the cause of freedom on the continent of Europe, and had successfully put down every struggle to maintain it. It was possible they might extend their plans across the Atlantic, and that their attention would next be directed to the Republics of South America. Such appeared to be the impression of the President; and if such were actually the state of things, the United States must probably become deeply involved in the event of such a contest. It was impossible we could be indifferent to the attempts of despotic power to crush the cause of freedom in our own hemisphere. That some plans of this sort were in agitation, was plain, from the tenor of the message. The President would not have warned the two Houses of Congress that all their firmness would be called for, if there were not something of serious moment in the political horizon, not seen by all. And as, in this public document, the Chief Magistrate had thought proper to go so far, it was certainly proper in the House to meet his communication by requesting such information, on the subject to which he had alluded, as he might deem it consistent with the public welfare to disclose. It was proper and desirable that we should know as much as possible of the dangers to which we are exposed.

The question was then taken on the resolution, and it was agreed to without opposition.

Claim of Beaumarchais.

Mr. TUCKER, of Virginia, rose to call the attention of the House to a message from the President to the House of Representatives, transmitted at the first session of the Seventeenth Congress, exhibiting the correspondence between the United States and the French Government, relative to the claim of Beaumarchais. He would not take up the time of the House by any remarks on the merits of that claim, this not being the proper stage of business in which to speak of them. His object in

rising was to move the reference of this correspondence to a select committee. He should have moved the reference of it to the Committee of Claims, but that the chairman of that committee had expressed an unwillingness to take cognizance of it. It was high time, Mr. T. said, that this claim, which had been standing now for thirty odd years, whatever be its merits or its fate, should be finally and conclusively disposed of.

The motion to refer the correspondence to a select committee was agreed to, without a division; and Mr. TUCKER of Virginia, Mr. LIVINGSTON, Mr. BUCK, Mr. TYSON, and Mr. RIVES, were appointed said committee.

Naval Pensions.

The bill to continue for five years longer the half-pay pensions to the widows and children of officers, seamen, and marines, of the Navy, who have died in service, passed through a Committee of the Whole without debate, and the question being about to be stated on ordering it to a third reading—

Mr. COBB said he was not willing that the bill should pass without some reason being given why it ought to pass. Our system of pensions, he thought, had been too far extended. All the efforts on the subject seemed to be to ascertain how far it could be extended, instead of how far it could be reduced and narrowed down. These pensions were at first allowed for five years—afterwards, for five years more; and now it was asked of the House to extend them for another five years. To ascertain whether the House was disposed to go on, without reason, in extending these pensions, he moved to strike out the first section of the bill.

Mr. CROWNINGSHIELD said that the general reason why the bill should pass is, first, that those pensions are not paid out of the Treasury; the money comes from the captures made by these very officers and seamen, and is by law reserved for the special purpose to which it is by this bill proposed to appropriate it. That fund, Mr. C. said, is adequate to pay all the pensions that can be charged upon it. There is now a surplus of that fund to the amount of fifteen or twenty thousand dollars per annum. If this money, the proceeds in part of captures, is to be taken from the officers and seamen to constitute a fund for pensions, he did not see why those pensions should be withheld from them. The fund is their property, and not that of the nation, and why shall they not have the benefit of it? So far as depends on me, said Mr. C., I would not deal it out to them in this manner—I would declare the pensions at once for life, and not stint the widow and the orphan of their allowance.

Mr. LIVERMORE observed, on what had fallen from the gentleman from Massachusetts, that, if it was impossible that the number of claimants to the benefits of this fund could ever increase, the reasoning of the gentleman would

be entirely conclusive; but their number may, and, in case of a war, certainly will, increase very greatly. He, therefore, thought it most advisable to let the fund accumulate. Are gentlemen afraid, asked Mr. L., of having money on hand for any purpose, or in any shape? He was, with his present impressions, against this bill.

Mr. CAMBRELENG, in replying to the gentleman from New Hampshire, took occasion to notice the origin and character of this fund. In 1800, Congress, varying from the British rule of granting the whole of the prize money to the captors, appropriated one-half of the proceeds of all prizes of inferior force to create a Navy Pension Fund for the support of invalids. During our late war, after the fall of some of our most gallant officers and seamen, a question arose, whether, in strict justice, their widows and orphans should not be provided for out of that fund which a share of their prize money had contributed to create. Congress, by the acts of 1813-'14, granted pensions to them, and the pension roll now embraces invalids, widows, and orphans.

He was unwilling, at all times, to appeal to the passions of the House, but there was something in the very character of this bill calculated to rouse the patriotism and excite the sympathy of every American. We were now renewing pensions to the widows and orphans of our gallant mariners. Of the veteran Barney, whose valor is recorded in the histories of two wars—of Lawrence, whom fate selected as a victim to soothe for a moment—but for a moment—the wounded pride of an enemy over whom he had previously triumphed—who died as he had lived, bravely fighting for his country. Of Blakeley and his gallant crew. In the career of Blakeley there was something peculiarly splendid—in his brief story, something sublime. His ambition was of an elevated cast; it disdained the pursuit of helpless enemies. He at once crowded his canvas for the British coast—he eagerly sought dangerous war amidst fleets of armed enemies. He found it and triumphed. Scarce had we ceased our rejoicings for this victory, when we heard of him again literally surrounded by enemies—sinking one—engaging a second, and retiring only on the approach of a third. Unhurt, though exposed, in this unequal combat, he gallantly steered his course to southern latitudes. But here the historian of human affairs drops his pencil—another more worthy to note the deeds of gallant men, seizes it as it falls—the recording angel registers their fate—where the fate of brave men should be—in Heaven!

It is for the widows and orphans of these gallant men we are now providing. The only objection to the bill he conceived to be the limitation to five years. That ought to be struck out—the fund was ample, and would undoubtedly remain so. He trusted the House would pass the bill promptly and unanimously.

Mr. COBB replied that the explanation given

by the gentleman from New York was entirely satisfactory. He was happy to understand the nature and flourishing situation of the fund, and, since it was in so prosperous a state, he hoped that Congress would not be called on to grant out of the public treasury any more pensions to the wives or children of navy officers. He hoped that Mrs. Lawrence, Mrs. Perry, and others, whose names had been mentioned, would be provided for out of this fund, which was so abundantly able to supply whatever it was deemed proper to allow. And with these remarks he withdrew the opposition he had made to the bill.

Mr. LIVERMORE rose merely to say that he was fully satisfied with the explanation given, and would now cordially vote in favor of the bill.

The bill was then ordered to be engrossed for a third reading.

MONDAY, December 29.

Roads and Canals in the Territory of Michigan.

On motion of Mr. RICHARDS, it was *Resolved*, That the Committee on Roads and Canals be instructed to inquire into the expediency of opening a road between Mount Clemens, in the County of Macomb, and Fultonville, near the mouth of Pine River, in the County of St. Clair, in the territory of Michigan.

[The object of this resolution, as stated by the mover, is to open a road into the public lands, that they may be the sooner sold and settled.]

Costs in Suits by Patentees.

The bill concerning costs in certain cases, was then taken up by the committee.

The bill provides, "That in suits commenced in the Courts of the United States, after the passage of this act, to recover damages for the violation of any right arising under letters patent, lawfully issued, for any new and useful invention, discovery, or improvement, costs shall be allowed to the plaintiff or plaintiffs, in all cases, where the sum recovered by him or them shall not be less than one hundred dollars."

Mr. WEBSTER explained the reason of the committee for reporting this bill. The general law forbids all recovery of costs in the Courts of the United States, where the amount of the judgment is less than five hundred dollars. This minimum, as applicable to cases generally, Mr. W. said, was perhaps too high, but, as related to cases of recovery of damages for violation of patent rights, it was supposed there were particularly strong reasons why it should be reduced. Suits of that description are instituted not so much to recover great damages as to establish the right of the inventors. The right may be a very important one, and yet the violation of it in particular instances may not

DECEMBER, 1823.]

Miami Purchase.

[H. OF R.]

involve heavy damages. In ordinary cases, the right of suing in the Courts of the United States has been regarded as a privilege, persons possessing it having the option to avail themselves of it or to resort to the State courts, &c. But, with respect to patent rights, as that subject is exclusively in the possession of the General Government, the whole right being created by the laws of Congress, and the injured person being obliged to sue in the Courts of the United States or nowhere, it seemed right to enlarge the law so far as to allow costs to the plaintiff in all cases arising under the law of patents, where the damages awarded should amount to one hundred dollars. For that purpose this bill had been reported.

Mr. TAYLOR, of New York, moved as an amendment, that the minimum should be reduced to thirty dollars. Very useful patents often applied to articles of comparatively small value, where an infringement in any single case would not entitle the patentee to damages amounting to one hundred dollars. It was incumbent on Congress to provide for these cases, and as Government charged the patentee thirty dollars for his patent, there was a propriety in fixing upon that sum as the limit of damages on which he might obtain costs.

Mr. WEBSTER not objecting, the amendment was agreed to.

The committee then rose and reported both bills, and they were both ordered to be engrossed for a third reading.

TUESDAY, December 30.

Another member, to wit, from Kentucky, THOMAS METCALFE, appeared, was qualified, and took his seat.

• *Trade with the Indians.*

Mr. RICH offered the following:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the practicability and expediency of adopting measures which shall more effectually restrain either citizens of the United States or foreigners from hunting or trapping on lands to which the Indian title has not been extinguished, and exclude foreigners from a participation in the Indian trade.

Mr. RICH, in introducing the above resolution, said, that he conceived it due to the House to state some of the reasons which induced him to offer it for adoption, and to hope that the inquiry it proposed would prove successful. During the last season, he was sorry to state, there had occurred on our Western borders, a killing and wounding of traders, and a slaughtering of Indians, which was much to be regretted. The attack made by the Indians is said to have been unprovoked; it may have been so; he hoped, for the honor of our country, that such would turn out to have been the fact. He did not entertain a doubt, that all that could, under the existing laws, be done to prevent so unhappy an occurrence, had been done by the Executive.

He believed, however, it would, on investigation, be found, that the laws had been violated, and the rights of our red brethren infringed. In support of his remarks, Mr. R. asked leave to read certain parts of the correspondence which had been submitted to the House on this subject.—[He here read a letter of Mr. Pilcher to Major O'Fallon, communicating a letter from Mr. Gordon, which gave an account of the arrangements for hunting made by the party.] This unhappy fracas had arisen, it seemed, while our traders were marching, trapping, and counter-marching. [Here Mr. R. quoted the letter from General Atkinson to General Gaines, enclosing another from General Ashley to Major O'Fallon.] The object of this expedition, Mr. R. went on to say, was to procure and carry away that game to which the Indian tribes had as just a right as any of us have to the property we hold. In relation to that part of the resolution which refers to the exclusion of foreigners from this trade, unless we could effect this, he was persuaded we need look for nothing but a continual recurrence of events of the same kind as had occurred—a constant waste of human life. If more efficient means to preserve pacific relations with the Indian tribes could not be devised, or were impracticable, then we had better withdraw, at once, our troops from the Indian country altogether.

Mr. VANCE moved to amend the resolution by striking out the last clause, (to exclude foreigners from the Indian trade,) but afterwards withdrew the amendment, and the resolution was adopted, as moved by Mr. RICH.

WEDNESDAY, December 31.

Another member, viz., from Pennsylvania, DANIEL H. MILLER, appeared, was qualified, and took his seat.

Miami Purchase.

Mr. GAZLAY submitted the following:

"Resolved, That the Committee on the Public Lands be instructed to inquire into the title and right of the United States in and to one township of land reserved for certain purposes in the contract entered into with John C. Symmes, as mentioned in the laws passed in 1792 and 1803 relating thereto."

Mr. GAZLAY, in introducing this resolution to the notice of the House, stated that, in the year 1787, John C. Symmes had entered into a contract with the United States for one million of acres of land, commonly designated as "the Miami Purchase." In 1792, not being able to pay for the whole of this tract, he petitioned that the extent of his contract might be curtailed to 300,000 acres—certain reservations, made in the first contract, for the purpose of encouraging education, being continued unchanged. The patent which issued under this last form of the contract, reserved one entire township, as nearly in the centre of the tract as might be, for this use. In 1803, Congress passed another act on the subject, allowing the

reservation of any one complete township, and in case of non-compliance, compelling an execution of the trust, unless the payment of \$15,860 would release the obligation. By this it was manifest that, at the time, Congress viewed itself as holding the fee of this land. In consequence, there was a charge to that amount standing against J. C. Symmes, on the public books, since the year 1792. It was on these facts that he offered the resolution. During a period in which we were gathering by basketsful, Mr. G. said, an amount like this might be overlooked, but now, it was necessary to gather up the crumbs of the Treasury.

The resolution was agreed to.

Condition, &c., of Greece.

The following message from the PRESIDENT OF THE UNITED STATES was read:

To the House of Representatives of the United States:

I transmit to the House of Representatives, a report from the Secretary of State, with accompanying documents, containing the information requested by the resolution of the House, of the 19th instant, relating to the condition and future prospects of the Greeks.

JAMES MONROE.

WASHINGTON, Dec. 31, 1823.

DEPARTMENT OF STATE,

Washington, Dec. 31, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the United States, of the 19th instant, requesting the President of the United States to lay before the House any information he may have received, and which he may not deem it improper to communicate, relating to the condition and future prospects of the Greeks, has the honor of reporting to the President the papers in the possession of this Department, containing the information requested by the resolution of the House.

JOHN QUINCY ADAMS.

FRIDAY, January 2, 1824.

Road from Memphis to Little Rock, in the Territory of Arkansas.

The House went into Committee of the Whole, on the bill for laying out and making a road from Memphis, Tennessee, to Little Rock, in the Territory of Arkansas.

Mr. HEMPHILL, in supporting the expediency of the bill, stated that a memorial on the same subject had last session been received from the Territory of Arkansas, and referred to the Committee on Roads and Canals, and a favorable report made, but not acted on. The committee now believed such a road to be necessary, and highly conducive to the prosperity of that Territory; but too expensive for its present population and means. It was for the purpose of uniting the two great bodies of settlers, the seat of government being at one end of the road, and the settlements on the Mississippi at the other end. The actual distance was but 150 miles; but the present circuitous road ran three times that length. The contemplated road would be valuable to the Union, as well as to the Territory, by affording transportation

for public property, and by opening to speedier settlement the military lands in Arkansas. It was important in another view. The white population of that Territory was but about 16,000; and on its borders were nearly 50,000 Indians. It was evident how requisite it would be, in case hostilities should arise, to have an easier and more direct mode of communication than now existed. Many similar bills had passed the House, but none of them more proper, from all the circumstances, than this.

The bill, having been read by sections, was reported without amendment, and ordered to a third reading—ayes 79, noes 58.

Agent to Greece, &c.

Mr. SLOANE, from the Committee of Elections, gave notice that he should, on Monday, call up the report of that committee on the subject of the contested election of Mr. Wilson, a member from New York.

The SPEAKER reminded the honorable member that notice had been given for the discussing of another subject, on Monday: alluding to Mr. WEBSTER's resolution for sending an agent to Greece.

Mr. POINSETT said, that the Speaker had referred to a subject, in regard to which, he wished to make a suggestion, for which he would use the present occasion. The motion, by his friend from Massachusetts, respecting Greece, stood under notice for Monday next. That question, he thought, would give rise to the discussion of other subjects connected with our foreign relations. It would be recollected that, after notice was given for the discussion of that subject on Monday next, a call for information, on another most interesting subject, had been made, on the motion of an honorable member from Vermont, (Mr. MALLARY,) which had not yet been answered. The king of Spain, it was understood, had declared his determination to reclaim his former possessions in America by force. It had been confidently rumored, that the confederated monarchs of Europe were about to take some measures in aid of this determination of the king of Spain. When the House went into Committee of the Whole on the state of the Union, on the subject of the agency to Greece, that would be a convenient occasion to bring forward this other subject. They were somewhat connected, and there would doubtless be a discussion of both. But the House would not be fully prepared for the discussion, till the reply should come in answer to the resolution adopted on the motion of the gentleman from Vermont. He wished, therefore, that his friend from Massachusetts would consent to omit the calling up of his motion on Monday.

Mr. WEBSTER said, he felt solicitous—perhaps too solicitous—to bring on his motion as early as convenient, especially as some mistaken notion, as he thought, of its nature and tendency, had gone abroad. He was fully persuaded that the course indicated by that motion was pre-

JANUARY, 1824.]

Report on the Finances.

[H. OF R.]

ciously that which he thought the Government ought to adopt; that nothing less than that would satisfy the public feeling or the public expectation, and that the sooner it was done the better. He thought the information communicated this morning was of a character to strengthen the conviction, where it existed, and to create it where it did not. Nevertheless, he was unwilling to bring on the motion, while his friend from South Carolina thought there would be a convenience resulting from delay. He would, therefore, not call up the subject on Monday. And, as it was probable there would soon be an answer to the resolution of the gentleman from Vermont, he would, after the receipt of that communication, call the attention of the House again to the subject.

Report on the Finances.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, covering his annual report upon the state of the finances of the United States; which letter and report were ordered to lie on the table, and six thousand copies thereof ordered to be printed.

The letter and report are as follows:

TREASURY DEPARTMENT, Dec. 31, 1823.

SIR: I have the honor to transmit a report, prepared in obedience to the "Act supplementary to the act to establish the Treasury Department."

I have the honor to be, very respectfully, sir, your obedient servant,

WM. H. CRAWFORD.

*To the honorable the SPEAKER
of the House of Representatives.*

In obedience to the directions of the "Act supplementary to the act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report:

1.—*Of the Public Revenue and Expenditures of the years 1822 and 1823.*

The net revenue which accrued from duties on imports and tonnage, during the year 1822, amounted to

\$20,500,775 91

The actual receipts into the Treasury during the year 1822, amounted to \$20,232,427 94

Viz:

Customs - - - - \$17,589,761 94

Public lands, exclusive of Mississippi stock - - - - 1,803,581 54

Dividends on stock in the Bank of the United States - 297,500 00

Arrears of internal duties and direct tax, and incidental receipts, and repayments under act of May 1, 1820 - - - - 541,584 46

Making, with the balance in the
Vol. VII.—39

Treasury on the 1st of January, 1822, of - - - - 1,681,592 24

An aggregate of - - - - \$21,914,020 18

The expenditures during the year 1822, amounted to - - - - 17,676,592 63

Viz:

Civil, diplomatic, and miscellaneous \$1,967,996 24

Military service, including fortifications, ordnance, Indian department, revolutionary, and military pensions, arming the militia, and arrears prior to the 1st of January, 1817 - - - - 5,635,188 29

Naval service, including the gradual increase of the navy - - - - 2,224,458 98

Public debt - - - - 7,848,949 12

Leaving a balance in the Treasury, on the 1st of January, 1823, of - 4,237,427 55

The actual receipts into the Treasury during the three first quarters of the year 1823, are estimated to have amounted to \$16,174,035 26

Viz:

Customs - - - - \$15,019,392 74

Public lands, exclusive of Mississippi stock - - - - 657,505, 73

Dividends on stock in the Bank of the United States - 350,000 00

Arrears of internal duties and direct tax, and incidental receipts - - 102,726 15

Repayment of advances made in the War Department, for services or supplies, prior to 1st July, 1816 44,410 64

The actual receipts into the Treasury, during the fourth quarter, are estimated at 4,270,000 00

Making the total estimated receipts into the Treasury during the year 1823 - - - - \$20,444,035 26

And, with the balance in the Treasury, on the 1st January, 1823, forming an aggregate of - \$24,681,462 81

The expenditures during the three first quarters of the year 1823, are estimated to have amounted to \$11,422,847 30

Viz:

Civil, diplomatic,

H. OF R.]

Roads in the Territory of Florida.

[JANUARY, 1834.]

and miscellane- ous - - -	\$1,510,785 14
Military service, in- cluding fortifica- tions, ordnance, Indian depart- ment, revolution- ary and military pensions, arming the militia, and arrears prior to the 1st of Jan- uary, 1817 - -	4,383,715 62
Naval service, in- cluding the grad- ual increase of the navy - - -	1,776,989 37
Public debt - - -	3,751,407 17
The expenditures during the fourth quarter, are es- timated at - -	3,894,559 74
Viz:	
Civil, diplomatic, and miscellane- ous - - -	489,704 11
Military service, in- cluding fortifica- tions, ordnance, Indian depart- ment, revolution- ary and military pensions, arming the militia, and arrears prior to the 1st Jan- uary, 1817 - -	899,449 98
Naval service, in- cluding the grad- ual increase of the navy - - -	726,776 46
Public debt - - -	1,778,629 24
Making the total estimated expen- diture of the year 1823 - - -	\$15,817,407 04
And leaving in the Treasury on the 1st January, 1824, an estimated balance of - - -	\$9,864,055 77

After deducting from this sum certain balances of appropriations, amounting to \$2,897,086 47, which are necessary to effect the objects for which they were severally made, or have been deducted from the estimates for the service of the ensuing year, a balance of \$6,466,969 30 remains; which, with the receipts into the Treasury during the year 1824 constitutes the means for defraying the current service of that year.

2.—Of the Public Debt.

The funded debt, which was contracted before the year 1812, and which was unredeemed on the 1st day of October, 1822, amounted to - - \$17,189,852 60

And that which was contracted subsequently to the 1st of January, 1812, and was unredeemed on the 1st of October, 1822, amounted to - - 75,852,848 58

Making the total amount of funded

debt, unredeemed on the 1st of Oc-
tober, 1822 - - - \$93,042,701 18
In the fourth quarter of that year,
there was paid the sum of - - 2,265,673 32

Viz:

Reimbursement of six per ct. deferred stock - - -	265,673, 32
Redemption of six per cent. stock, of 1820 - - -	2,000,000 00
Reducing the funded debt, on the 1st of January, 1823, to - - -	90,777,027 86
From that day to the 1st of Octo- ber last, there was added to the debt—	
In three per cent. stock - - -	\$132 39
Treasury note six per cent. stock - -	1,561 87
Treas'y note seven per cent. stock - -	135 00
	1,829 26

Making an aggregate of - - \$90,778,857 12
During the same period, there was
paid, in reimbursement of the deferred
six per cent. stock - - - 327,023 88

Reducing the funded debt, on the
1st of October, 1823, to - - - \$90,451,834 24
Since that day there has been add-
ed in Treasury note six per cent stock, 716 75

Making an aggregate of - - \$90,452,550 99
It is estimated that the reimburse-
ment of deferred stock, in the fourth
quarter of the present year, will
amount to - - - \$274,588 88

Which will reduce the funded debt,
unredeemed on the 1st of January,
1824, to - - - \$90,177,963 14

The amount of Treasury notes out-
standing on the 1st of October, 1823,
is estimated at - - - \$26,122 00

And the amount of Mississippi stock
unredeemed on that day at - - \$21,258 87

All which is respectfully submitted.

WM. H. CRAWFORD.

TREASURY DEPARTMENT, Dec. 31, 1823.

Roads in the Territory of Florida.

The bill was taken up in Committee of the
Whole.

The first section having been read—

Mr. CALL, Delegate from the Territory of
Florida, advocated the measure proposed by
the bill, as one imperiously demanded by the
exigencies and peculiar circumstances of that
country, and eminently calculated to advance
its settlement and prosperity. The population
of what was lately the Floridas, he said, lies at
the two opposite extremities of the territory,
Augustine and Pensacola; the two points to be
connected by the road now proposed. The
course of the road passed through a region of

JANUARY, 1824.]

Roads in the Territory of Florida.

[H. OF R.]

country till now very imperfectly known, but whose fertility was calculated to attract emigration. The late treaty, by which the whole of this country had been transferred to the jurisdiction of the United States, opens a fine field for emigrating enterprise, and, from the richness of the soil, there was little doubt but that the interior would, in a short time, become densely peopled. The road which at present connects the two points he had mentioned, takes a circuitous route of more than seven hundred miles, through parts of Georgia and Alabama; whereas, the direct course of the new road would make the distance to be travelled about three hundred and seventy-six miles. The petition on which the bill is founded, asks only for \$20,000 to defray the expenses of making this road—an amount which, when the nature of the country, and the magnitude of the undertaking is taken into view, will appear, to every candid person, very moderate. The estimate had been made as low as circumstances would allow, but it was hoped that, by a judicious expenditure, that amount might be rendered sufficient. Almost the whole of the very fertile tract, through which the road is proposed to pass, is in the hands of the United States Government, as public property; few or no grants having been made of lands in the interior. The road will, therefore, be a measure of policy to the Government, from its effect on the value of its lands, as well as of great benefit to Florida.

Mr. GURLEY, of Louisiana, moved to amend the bill by striking out all that part of it which provides for the employment of the United States troops in making the road. Favorable as he was to all measures of internal improvement, and to the particular object now proposed, he was not disposed in the accomplishment of it, to jeopardize the lives of the soldiers by employing them in the work. It was a fact well known, that the employment of the troops in works of this description, had, in many instances, proved fatal to them. He had personally witnessed this, and knew it to be true. It had for some time been the policy of the United States so to employ them, but, when this policy was extended to southern climates, the soldiers became victims of the occupation. He repeated the assurance that he was friendly to the object of the bill, and would vote for it were this feature removed.

Mr. CALL, in reply, said, he hoped the amendment would not be adopted, as it would in effect defeat the bill altogether. The gentleman from Louisiana, while desirous of exempting the troops from the labor of making the road, had proposed no substitute for them. For himself, Mr. C. said, he was as much disposed to foster the interests and preserve the life and health of our soldiery as any man, and as much opposed to setting them at a menial or degrading employment; but this was not such an employment of them, nor was it a new proposition, but, on the contrary, a matter of

every-day occurrence. The object to be accomplished was one of great importance to the United States, in a national view, and might, without impropriety, occupy the leisure of a small portion of her troops. As to its exposing them to disease, he had himself lived for years in Florida, had traversed it in all directions and at all seasons, was thoroughly acquainted with its climate, and he did not apprehend any such consequence as the gentleman seemed to anticipate. Besides, if the bill shall now pass, the labor will be finished before the more sickly months arrive. The road we ask for, said Mr. C., can soon be made. We do not contemplate, at present, any great or costly road, such as it will occupy a long period to complete; all that we ask or look for will expose the soldiers to no great amount either of labor or danger. Were it a time of war, indeed, we should not think of so employing them; but it is a season of profound peace, and no detriment can arise to the public safety or interest from doing it. In fact, the road must be made in this way, or not at all; for the country is so sparsely settled that there is not in the territory a population, either in sufficient number, or of the proper kind, to accomplish it.

Mr. COCKE, of Tennessee, wished to know from the gentleman who objected to this employment of the troops, how they could be better employed? We have had, not long since, a sad experience to teach us that, if not employed in something that is useful, they will soon employ themselves in what is mischievous. We have got them; we have paid for them; we must feed them; and of what service are they to us if we may not employ them?

Mr. GURLEY, in reply, said, it was possible he might have been deceived in his apprehensions; he presumed the gentleman from Florida was better acquainted with the circumstances of that country than he was; and he believed they were both disposed to act on the same principle. He was persuaded, if his fears were not visionary, and danger did really exist, all the gentlemen who were friendly to the bill would be as ready as himself to avoid incurring it. Certainly, the death of our soldiers was to be deprecated. We give a bounty to get them, and when they die, the Government is a loser. What he had stated as to the danger of the climate, he had advanced from experience and personal observation. He knew, and could prove, that, out of a full company recruited in Boston, in May, 1821, and employed that summer in erecting public buildings at Baton Rouge, only fifteen were left alive at the close of the season. Was it right to expose our troops to a danger of this kind? It might be very true that, if employed at all, in time of peace, they could not be better employed than in making public roads. But, was there any necessity for employing them? Because we cannot employ soldiers every day in the year in actual labor, are we to disband them? Our soldiers are the salvation of the country; to

them we look when her soil is invaded or her liberty threatened. It might be that the climate of Florida was attended with no such danger as he had mentioned, though, from its situation, he should expect its climate greatly to resemble that of Louisiana. He once more avowed that he was entirely the friend of the measure; and, if no substitute for his amendment could be provided, he should be unwilling, by insisting on it, to prevent the passage of the bill. He was decidedly of opinion that no better use could be made of the public money than to apply it to roads, canals, and internal improvements. We could not leave to posterity a better inheritance.

Mr. TRIMBLE, of Kentucky, said he should be sorry were the amendment to prevail. The question of employing the troops of the United States in laboring at public works, was one which had been frequently discussed upon this floor; and he believed the mind of Congress, and of the nation, was made up on its propriety. The honorable gentleman from Louisiana had spoken of the mortality attending the Southern climate. But were Congress to relinquish the idea of employing the soldiers on this road, and to send five hundred citizens from civil life to do the work, would not they be in as great danger as the soldiers, or was it important, in the question of climate, whether a man wore a military coat or a homespun one? If the object sought was the saving of the wear and tear of human life, then it was surely humanity to employ the soldiers; for, suppose we have in Florida five hundred troops, and we send in addition five hundred citizens, then the climate makes war upon one thousand human beings instead of five hundred. He remembered, indeed, that General Wilkinson had informed the nation that a soldier is a gentleman, and must do no labor; and yet the same great general, almost in the very same paragraph, had set this gentleman to carrying a knapsack, with six days' provision, on his back. For himself, his judgment had always been in favor of employing the troops in making roads upon our frontier. Forts, indeed, he would not set them to build; not because it was laborious, but because forts usually were built, and could be built, both better and cheaper, by contract.

Mr. SHARPE, of New York, recurring to the statement of the gentleman from Florida, insisted on the economy of employing the troops on this object. Here was a road of 350 miles to be made, and there were already 750 troops in the territory through which the road is to pass. These troops receive, when working on roads 10 or 15 cents per day, additional wages, (no small matter to a soldier;) was it not better to hire hands at 10 or 15 cents a day, than to send to the North for workmen, who must be paid at the rate of 75 or 100 cents?

Mr. HEMPHILL observed that our soldiery had frequently been employed in works of this description, and it was a general observation, that they were never healthier than when thus

occupied. If they had experienced unusual mortality at the South, it was from the effects of the climate, not those of the moderate labor to which they were exposed. The troops now proposed to be employed were not to be sent into the climate of Florida; they were already stationed there, and it was a settled point, that the President might employ them at his discretion. The Romans always employed their soldiers on roads; this practice was common with the ancients, some of whose noblest monuments of public utility were the work of their armies. It was surely useless to keep soldiers in idleness, when useful and healthful employment could be found for them.

Mr. SANDFORD, of Tennessee, suggested that the fears of the gentleman from Louisiana might be obviated, and the general measure not prevented, if he modified his amendment, so as to confine the employment of the troops to certain months of the year, so as to avoid the sickly season.

Mr. HENRY, of Kentucky, said that the troops in Florida were stationed, and would be kept in that country, to maintain our possession of it; no new destination of troops, therefore, was contemplated by the bill. Both the points intended to be connected by the proposed road, were military stations. They were far apart, and in case one of them should be attacked, it was fit that there should be a direct and speedy communication between them. The power to employ the troops is discretionary, and in whose hands, asked Mr. H., is it reposed? In the hands of the Commander-in-Chief of the Army. If the President of the United States, in the exercise of his sagacity and vigilance, should perceive danger to arise from such employment of the soldiers, he has it in his power, and doubtless will have it in his wish, to avoid that danger. But the danger is visionary. Would not the soldier himself, asked Mr. H., prefer employment to the dull monotony of garrison duty—to the eternal recurrence of the same scene in the same place? The fears expressed on this subject contradicted all theory and all experience; inaction has ever been found to produce both moral and physical maladies—while, on the other hand, employment is healthful alike to body and mind.

The question being taken on the motion of Mr. GURLEY, to strike out the second section of the bill, it was decided in the negative by a large majority.

After some further conversation on the details of the bill, it was ordered to be engrossed, and read a third time on Monday.

MONDAY, January 5.

Costs in Patent Cases.

Mr. WEBSTER, from the Committee on the Judiciary, to whom was recommitment a bill concerning costs in certain cases, reported the same, with the amendment directed by the instructions of the House, viz: the substitution of one

JANUARY, 1824.]

Costs in Patent Cases.

[H. OF R.]

hundred dollars in place of thirty dollars, as the minimum of damages awarded by a jury, on which costs should be allowed.

The question being on ordering the bill to be engrossed for a third reading as amended—

Mr. WEBSTER said, that, on the introduction of this bill to the House, a few days ago, he had stated the reason for proposing this bill, to be, that, though the law limited the recovery of costs, in the courts of the United States, in general cases, to suits involving an amount not less than five hundred dollars, there was a propriety of a reduction of the minimum in the case of suits by patentees, because it was supposed to be matter of necessity for the patentee to sue in the Federal courts. An honorable member had, on a former occasion, suggested that the State courts have jurisdiction in cases of this description; but, Mr. W. said, if the honorable member would refer to the law, he would see that the act of Congress which creates the right prescribes the remedy, and provides that the patentee may sue for it in the circuit courts of the United States, and under that phraseology it was presumed that he could not sue elsewhere than in those courts.

Mr. BUCHANAN had objections to the whole bill. What, asked he, is the law in the case of patentees as it now stands? A most extraordinary distinction over other clients is made in their favor, by granting them judgment for three times the amount of damages awarded by a jury. And what does the bill, now before the House, propose to do in favor of those favored individuals? To superadd costs to that treble verdict. He would ask, whether such a measure is right; whether it is politic; whether it is just? He thought it would be neither. He thought it far better to let the law remain as it now stands. What had been the history of this country on the subject of patent rights? It was known to all, that the privilege granted by the patent law, had been extensively diffused through the Union. The number of patents actually issued was very great; the number pretended to be enjoyed was greater still. Impositions were multiplied. In some districts of the Union very large amounts of money had been collected from such as were afraid of the expense of a lawsuit, by persons claiming to have a patent for the use or manufacture of certain articles; and, after they had gone through a whole region, thus practising on the fears or ignorance of the inhabitants, it turned out, when at last some one had hardihood enough to contest their claim, that they had no right at all. This was especially the case in those States which were of extensive size, and the distance from the circuit court occasioned formidable expenses in resorting to trial. The claimant brings a patent in his hand, and thus has *prima facie* evidence of the validity of his right; he asks, perhaps, but eight or ten dollars for the article; who would not rather pay that sum than run the risk of travelling one or two hundred miles, to the circuit court, taking

witnesses with him, at the risk, if he fails, of having treble damages to pay, and, if this bill passes, costs to boot? He could scarce conceive of a measure better calculated to enable designing men to roam at large and prey upon the community. He thought, for his part, that the law was already hard enough. It gave already enormous advantages to the patentee over his opponent; and if costs were to be superadded, it destroyed all prospect of successful contest. Costs, it must be remembered, are, in their nature, very indeterminate; their amount might increase to such a sum as would ruin a man. To be sure, the amendment now reported makes the bill better, so far as it goes; but, even under the bill, as amended, if a patentee does but obtain a verdict for thirty-four dollars, he gets his costs also allowed him, because treble the verdict runs over one hundred dollars, and brings him within the provisions of the bill. Is it not proper, asked Mr. B., that the pretended patentee shall first be made to establish his right before his opponent is threatened with treble damages and costs? He thought the law should at least be left unaltered; for himself, he felt more disposed to curtail than to extend it.

Mr. LIVERMORE said, that, at first, he had viewed the object and provisions of the present bill as proper and expedient; but, on further reflection, he had seen reason to alter that opinion. He thought, however, that the fault of the system did not lie so much in that feature of it which allowed costs where damages over one hundred dollars were obtained, but in that which previously allowed the verdict of the jury to be treble. Why should not suitors under the patent law be placed on the same footing with other suitors? The alteration he wished to prevail was to repeal the treble damages and allow costs in all cases. But if it should be deemed proper to alter that provision, then he thought that costs should be given, rather where the amount was under one hundred dollars than over that sum. If a verdict was obtained for ten dollars and treble, the additional twenty dollars was not likely to be enough to cover the costs. He wished to see the whole system placed under the Committee on the Judiciary to be remodelled; he would also give the State courts concurrent jurisdiction with those of the United States, in cases under the patent law.

Mr. WEBSTER, in reply to Mr. BUCHANAN, said that he felt no particular anxiety on the subject of this bill; but, having charge of the bill, it seemed proper of him to say something in its defence. The House would recollect, he said, that this whole case of patents is taken, by the law, out of the hands of the State courts, the jurisdiction over it being exclusively reserved to the courts of the United States. The power of legislating on this subject is taken from the States by the Constitution of the United States. And, at this time of day, and before this Assembly, Mr. W. said he need not

argue that the right of the inventor is a high property; it is the fruit of his mind—it belongs to him more than any other property—he does not inherit it—he takes it by no man's gift—it peculiarly belongs to him, and he ought to be protected in the enjoyment of it. Precisely as the arts advance, Mr. W. went on to say, does property of this description become valuable; where the nicest machinery is in operation, it is there that the improvements of inventors are in the highest estimation—and with regard to those branches of industry which have been most successful in this country, they are more indebted to the ingenuity of inventors—to the power of mind in the improvement of machinery, than to another species of aid which they have received from time to time. It is to encourage these inventions that our patent laws are designed. Is it any answer to this argument in their favor, that impositions are sometimes practised under cover of these laws? Is it not so with every thing else? With regard to land, for example—are there not many persons pretending to have titles to land who really have no title? Are there not as many speculations in landed property as in the property of mind? And shall a man not recover his right to land because the world is full of pretensions of right to land where no right exists? Surely not. It was said by an honorable member from the West the other day, that the people in his part of the country did not know that there was such a thing as a patent office in the country, or such a clause in the constitution as that which relates to patent rights. Mr. W. said he did not know that on this account the House should accommodate its legislation precisely to that state of information. The error was not in the constitution or the patent laws, but in the want of knowledge among the people, and could only be corrected by its diffusion. In restricting the patentee to the recovery of mere judicial damages, Mr. W. continued, justice was not done to him. He cannot sue for all his right at once, because the violations by which he is deprived of it are numerous. Suppose you were to compel a man, in suing for land, to sue for it acre by acre—he might get his land, indeed, but he would be ruined by the process of recovery. It was because the particular injury in the case of the violation of a patent right was small, and the expense of redressing it great, that the provision of this bill appeared to be expedient. A redress of the actual injury was not sufficient in this class of cases—if the penalty for the violation was not sufficient to act *in terrorem*, it was nothing. Do not all penal statutes, Mr. W. asked, go on the ground, that damages are not only to be given to indemnify a sufferer in a particular case, but to such an amount as to deter others from doing the like? The argument of the gentleman from Pennsylvania, besides, went too far. If the damages are awarded at five hundred dollars, as the law now stands, costs are allowed; whilst, if the dama-

ges be but ten dollars, they are not allowed. What justice was there in this? Where an action is brought to recover damages for the use of an invention or improvement in machinery, the common rule is, to settle the amount of damages at the sale price of the article; and one of the injurious consequences to defendants themselves, from the present state of the law, is, that the juries give as much damages as will carry the costs. He could assure the gentleman from Pennsylvania, whatever might be said in other parts of the country, there was no right which an independent jury of the part of the country in which he resided would protect with more certainty or vigilance, than the patent right. In a clear case, where the intention to deprive the inventor of the benefit of his patent was obvious, the jury would, in almost any case, give damages to the full amount of five hundred dollars. This bill, therefore, would, in this respect, be beneficial to the defendants themselves. On the part of patentees there were so many things to be proved—for instance, that the invention is new, that it is useful, that the specification is accurate, &c.—so much nicety was required, as to throw sufficient obstacles in his way. The right of the patentee, Mr. W. said, was one which the Constitution of the United States had authorized and enjoined upon Congress to protect; the party injured has no security or resort elsewhere, but to the courts of the United States; and if it was reasonable that in such case he should be entitled to recover costs where the damages amount to one hundred dollars, then this bill ought to pass; if not, it ought not to pass.

Mr. BUCHANAN, in reply, observed, that no one could be more disposed to protect the just rights of patentees than he was; nor could any person concur more heartily than he did in the sentiments of the honorable gentleman from Massachusetts respecting the property which an inventor has in that which is the product of his own genius; yet he held it to be a principle in legislation, while guarding the rights of one individual, not to forget or to impair those of the rest of the community. A wise legislator was bound to give equal protection to the rights of all. Ever since the passage of the patent law under the constitution, the courts had been open to patentees, and the burden of proof had always been cast on the violator of his patent. He must prove that his act was no violation of the patent, or that the patent was in itself invalid. This operated, at least in that part of the Union which he had the honor to represent, as a great hardship; yet it had been cheerfully submitted to, and the mere production of the patent was allowed to be presumptive evidence in favor of the patentee. But the law went farther; it not only threw the burden of proof on the alleged violator, but it tripled all damages against him. And now it was proposed to go farther still, and to allow all costs in the bargain, wherever these dama-

JANUARY, 1824.]

Road from Memphis to Little Rock, in the Territory of Arkansas.

[H. OF R.]

ges should, when tripled, amount to \$100. Had he rightly heard and understood the gentleman from Massachusetts? Did he say that, in that part of the Union, a jury would always give a verdict of \$500? If such were the fact, he did not wonder that the voice of the community was never heard against the provisions of the law. Who would not rather pay \$10 than run the risk of a verdict of \$500, to be tripled with costs? No wonder there was a deep silence. The act, as amended by this bill, placed the community at the mercy of patentees. To oblige a man to go two or three hundred miles to court, then oblige him to prove the patent false, and, if he fails, to make him pay triple damages, and costs of suit, is to place an array of obstacles in the way that must, in most cases, effectually prevent the validity of patents from being ever contested. Such ought not to be the practical operation of law on this subject. If the law is left as it now stands, will the patentee suffer any injury? None at all. Suppose his patent is a good and valid one, and suppose he has to sue in order to establish that fact, will not such a suit be, in effect, a benefit? Can he not thenceforth exhibit with his patent the verdict that has confirmed it? But, if this bill becomes a law, it will go forth throughout the country to let loose unprincipled pretenders to prowl upon the community. He was very sorry it had been his lot to differ in opinion from the honorable member from Massachusetts, for whose opinions no man cherished a more profound respect; but he had been reluctantly urged by a sense of duty to oppose a bill which he conceived to be fraught with injury.

Mr. OLARKER, of New York, then moved

"That the bill, with the amendment, be recommitted to the Committee on the Judiciary, with instructions to inquire into the expediency of repealing so much of the law upon the subject of the violation of patents, as provides for the recovery of triple damages in suits brought by patentees for such violation, and that where judgment shall pass for defendant, or the plaintiff become non-suit, or suffer discontinuance, the defendant shall recover double costs."

The motion was agreed to, and the bill re-committed accordingly.

Road from Memphis to Little Rock in the Territory of Arkansas.

The engrossed bill to provide for surveying and making a road from Memphis, in Tennessee, to Little Rock, in the Territory of Arkansas, was read a third time.

Mr. BASSETT rose and said, that, as several bills on this subject were before the House, he wished that opportunity might be afforded, to those who have constitutional objections to acting on the subject at all, to discuss the general principle before going into the details. This was more widely involved in the general bill which had been reported for estimates and surveys, &c.; and, in order to await a decision on that bill, he moved to lay this bill on the table,

with an intention that it should not be called up until after the general bill should be acted upon.

This motion was negatived—ayes 76.

Mr. FLOYD, of Virginia, rose and inquired whether any part of this road was to pass through the State of Tennessee, or whether the whole of it lay exclusively in Arkansas? His vote would entirely depend upon the answer to this question. [After it was answered, that no part of this road would pass through the State of Tennessee, Mr. F. said he had then no objection to the bill.*]

Mr. ALLEN, of Tennessee, advocated the bill, as it would be a saving of more than four or five hundred miles to emigrants, in reaching the lands of that Territory, and thus facilitate greatly the settlement of the public lands. It was no new precedent, but had frequently been done for Territories less insulated than Arkansas.

Mr. CONWAY stated the facts of the case. Memphis is situated on the East bank of Mississippi River, in the southwest corner of the State of Tennessee, at the point on the river commonly denominated the Lower Chickasaw Bluffs. No part of the road, therefore, could go through Tennessee unless it was made purposely retrograde to effect that object. To show that the present was no novel application to Congress, Mr. C. referred to a series of acts making appropriations for similar objects. In 1806, \$6,400 was granted for a road from the frontier of Georgia toward New Orleans, in the 81st degree of north latitude; \$6,000 was granted the same year for a road from the Mississippi to the Ohio; \$6,000 for another road from Nashville to Natchez.

In 1811, \$6,000 was appropriated for two roads to the south of Lake Erie. In 1816, \$8,000 was given for a road from Shawnee Town, on the Ohio, to Kaskaskia.

\$10,000 had been granted, in 1816, to open a road from Fort Hawkins, in Georgia, to Fort Stoddart, in Alabama, and another from Columbia, Tennessee, to Madisonville, in Louisiana.

He enumerated also several grants of \$4,000 and \$5,000, for the repair of roads in several parts of the frontier. He was far from complaining of this liberality to others—all he asked was a proper participation by the Territory he represented. That Territory was insulated in its situation; with a population of but 50,000 white inhabitants, it contained from 40,000 to 50,000 Indians. From various indications of uneasiness among the latter, there was a general anticipation of another Indian war, twelve or eighteen months hence, possibly sooner. Without such a road, it would be impossible to transport troops and munitions of war into that Territory to any effect. What they asked for was a military and post road.

* Mr. Floyd was one of the strict construction school of Virginia, and, it is presumed, spoke the sentiments of the whole school in what he said.

The United States owned within that Territory more than fifteen millions of acres of land, which could not come to a market for want of a road to get to it. He had, besides, been informed, both by the Secretary of War and Quartermaster General, that the delay of mails to and from the Territory was so great that no returns had been received in proper time, if at all; the proposed road would remove this evil, and facilitate the communication with Government.

Mr. ISAACS, of Tennessee, advocated the bill at considerable length, dwelling on the facilities it would furnish to emigration, and to the protection of the Territory—on the importance of the Territory, as a part of our frontier toward Texas, and the policy of obtaining for it a substantial and speedy population.

Mr. CONWAY, perceiving that some members seemed to feel hesitation respecting the bill, as proposing a road which began its course in Tennessee, moved to recommit it, with instructions so to amend the bill, as to provide for the road's commencing within the Territory of Arkansas, at a point on the west bank of the Mississippi, opposite to Memphis.

Mr. TREMBLE thought that there was no necessity for this, if a better road, and cheaper, might be obtained by passing for a few miles within the State of Tennessee. While up, he would remark, that many of the inhabitants of the Territory of Arkansas came within our jurisdiction solely by the treaty which ceded Louisiana to the United States; these had certainly a strong claim on us for protection. They were exposed to peculiar danger from the great accumulation of Indians within that territory since it became United States property, which was produced by the wise policy pursued by our Government in other parts of the frontier, in separating the tribes from each other. In Arkansas they were now in a measure concentrated, and being withal much dissatisfied, there was some prospect of war. 5,000 Cherokees are to be added to their numbers in the spring. Should a war break out, the necessity for the road was manifest. Mr. T. was decidedly friendly to the bill.

Some further conversation took place, when the bill was recommitted.

TUESDAY, January 6.

A Message from the PRESIDENT OF THE UNITED STATES, received yesterday, was read as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 18th of December last, requesting copies of contracts for cannon, cannon shot, muskets, and other small arms, which have been entered into since the 1st of January, 1820, and for other detailed information therein specified, I herewith transmit a report, with accompanying documents, from the Department of War.

JAMES MONROE.

WASHINGTON, January 5, 1824.

The Message and accompanying documents were laid on the table.

The Memphis and Little Rock Arkansas Territorial Road.

Mr. HEMPHILL, from the Committee on Roads and Canals, to which was recommitted the bill to authorize the surveying and making a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas, reported the same with an amendment, which was agreed to by the House, and the bill was ordered to be re-engrossed, and read a third time to-morrow.

Ouachita Land Claim of the Marquis de Maison Rouge (Red House.)

Mr. BRENT moved that the House do come to the following resolution:

Resolved, That the report of the land commissioners in Louisiana, together with all the evidence, papers, and documents, on file in this House, relative to the claim of the representatives of the Marquis de Maison Rouge to a tract of land in Ouachita, in Louisiana, containing thirty square leagues, or upwards, be referred to the Committee on Private Land Claims, with instructions to report thereon, with a view to the final disposal of the same.

The resolution, after some debate, was ordered to lie on the table.

Memorial of D. W. Coxe, representing the claim of the Marquis de Maison Rouge.

Mr. CAMPBELL, of Ohio, from the Committee on Land Claims, stated he was instructed by the Committee on Private Land Claims, to ask that they be discharged from the further consideration of the memorial of Daniel W. Coxe, for a confirmation of a grant of land to the Marquis de Maison Rouge, and the accompanying documents. As a reason for making this request, he said, several members, of whom he was one, had received several letters from Mr. Coxe, intimating he had not requested any person to bring his claim before Congress at this session; that he had withdrawn his vouchers; had sought redress in the courts of Louisiana, and that he did not wish any step to be taken by Congress in relation to his claim.

Mr. C. said among the cases referred to the committee, there was a memorial of Mr. Coxe, dated in 1820; that there was on file no proof to support his claim, but much intended to invalidate it. He hoped the committee would be discharged.

Mr. BRENT opposed this request, and contended that, as to this claim, it was the duty of this House to decide upon its validity. It had been reported on four years ago, and the final decision had been delayed by Mr. Coxe all that time; the result of which was, that the lands were held back from market, to the great injury both of Louisiana and the United States. He now withdraws his papers; but this should not prevent an investigation. Did he believe there was a shadow of equity in the claim, Mr. B.

JANUARY, 1824.]

Contested Election.

[H. OF R.]

would act otherwise; but knowing, as he did, that the claim was illegal, and believing it to be a most iniquitous one, he wished that a decision of the committee might be had, to put an end to it. He admitted, as a general position, that every petitioner has a right to withdraw his petition; but there were exceptions to the rule.

Mr. J. T. JOHNSON, of Kentucky, urged the propriety of discharging the committee from the consideration of this claim, Mr. COXE having resorted to the courts of law for a decision of it, and withdrawn it from this House, &c.

The question being taken, the committee was discharged, and the memorial was laid on the table.

WEDNESDAY, January 7.

Little Rock and Memphis Arkansas Territorial Road.

An engrossed bill, entitled "An act to authorize the surveying and making a road from a point opposite the town of Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas," was read the third time, and passed.*

* The case of this Little Rock and Memphis (Arkansas) road is one of the strongest that can be conceived to illustrate the difference between States and Territories in the road-making power claimed, or asserted by Congress. In the first place, the time was, of all others in the history of our Government, the most propitious to thorough inquiry and correct decision. It was at the session of 1822-'4, when Internal Improvement was a prominent subject of public consideration, and when Congress was long occupied with propositions to adopt it as a system. Being thus thoroughly occupied with the question, the decision of Congress was that of full consideration; and while diversity of opinion prevailed as to the power of making these improvements in the States, there was no difference of opinion with respect to the Territories. They were the property of Congress, subject only to the conditions on which they were ceded by the States, or foreign nations, and Congress acted with them without reference to the Constitution of the United States, but according to the principles of the constitution which itself had given them on the 7th day of August, 1789, when it adopted the great Territorial Ordinance of July 18th, 1787. That is the constitution of the Territories; but being a constitution given by Congress, it was subject to exceptions and modifications by its author. With respect to roads, canals, ferries, &c., Congress has made them in the Territories, without reference to the constitution, from the time of the first road, and its three ferries, in Ohio, in 1796, (when Ebenezer Zane received three sections of land, one at the crossing of the Muskingum, one at the Hockhocking, and one at the Scioto, to make the road from Wheeling to Limestone, (Maysville, Kentucky,) and keep it in repair, and the ferries in order; from that day to the present Congress has been making these roads without reference to the constitution, because universally held that the constitution did not extend to Territories. In my thirty-two years of congressional service I can well say, I never heard a question raised about the right of Congress to make in the Territories the local improvements which it pleased. I have seen members of all political schools constantly voting for such objects—the strict constructionists generally inquiring

Contracts for Cannon, &c.

Mr. COCKE moved to take up the report of the Secretary of War, (enclosed in the President's Message of yesterday,) respecting certain contracts for cannon, cannon shot, and small arms, and refer it to a select committee.

Mr. LATHROP moved that the report be referred to the Committee on Military Affairs.

Mr. COCKE said it had been the universal practice of the House, where documents were obtained from the Departments by special calls of the House, to allow the mover of the call to have the documents submitted to a select committee. The Committee on Military Affairs were already crowded with business, to which, if they suitably attended, (and he did not doubt they would do so,) their hands would be full. He hoped that committee would make a general and timely report on all the matters before them, so that the House might have opportunity to consider it some time before the appropriation bill at the close of the session was passed. He asked it, as a courtesy, that the gentleman would withdraw his motion.

Mr. LATHROP consented to withdraw it accordingly, and the documents were referred, as moved by Mr. COCKE, to a select committee, and Messrs. COCKE, SMYTH, STERLING, MARVIN, BUCHANAN, BASSETT, and MCLEAN, of Ohio, were appointed the said select committee.

Contested Election.

The House took up the unfinished business of yesterday, which was the motion of Mr. LITTLE to insert the word "not" in the second resolution reported by the Committee of Elections, so as to make it read "that Parmenio Adams is 'not' entitled to a seat in this House."

The debate on this subject was continued till nearly three o'clock, when, the question being taken on the amendment, it was decided in the negative—ayes 85, noes 112.

The question then recurring on agreeing with the report of the committee, (which admits Mr. ADAMS to a seat,) was decided in the affirmative—yeas 116, nays 85.

And thereupon, the said PARMENIO ADAMS appeared, was qualified, and took his seat as one of the Representatives in this House for the State of New York.

[The debate in the House of Representatives

if the road was limited to the Territory, and voting for the bill if it was. The case of this Memphis and Little Rock road was the strongest illustration of the difference between a State and a Territory. Because Memphis was in a State, and the road was to be exclusive of it, (from Memphis,) and the first step from it would have been into the Mississippi where it was a hundred feet deep, yet the bill was required to be altered, and the beginning point fixed incontestably on Territorial ground.—But this is only one case. The statute book is full of these Territorial acts, and I feel that it may be safely assumed, that no person has ever served one term in Congress without voting for these local improvements in Territories, even the most strict constitutional constructionist, and upon the ground that the constitution did not extend to Territories.

on the contested election from the 29th District of the State of New York, turned in effect upon a single point, viz: whether a printed ballot, having the stroke of a pen drawn through it, should or should not be admitted as a valid vote. From the returns of the inspectors of the election, it was admitted, on all hands, that the two candidates came within a single vote of having an equal number: the same returns, or rather the certificates accompanying them, stated that one of the votes for Isaac Wilson was of the description mentioned: the printed letters were distinctly legible, but a dash with a pen was drawn across the whole name: on this account the inspectors rejected the vote, and it was not counted. The omission of this ballot, after the deduction on each side for erroneous returns, gave Mr. Adams a majority of one. The advocates of Mr. Wilson contended that, as the ballot contained no other name, and it was not to be presumed that the elector would give in a blank ballot, the mark with the pen ought to be disregarded, and the vote counted as good: for it was possible the voter might have been an old man, and did not see the line across the name, or a simple man, who, intending to vote for Mr. Wilson, had been cheated out of his vote, by having this obliterated ballot put into his hand by an advocate of the opposite candidate, &c. On the other hand, it was insisted that the inspectors were, by the laws of New York, the constitutional judges of the genuineness or fraudulent character of the ballots; that they had decided on this ballot from ocular inspection, publicly, under oath, and with entire unanimity; and that it was no uncommon thing, in that State, to erase names printed on election tickets, and even to put ballots, entirely blank, into the ballot boxes; instances of which were quoted as having taken place in ballotings in the Legislature of New York, and also in Congress. That the voter might have been induced by a fear of offending Mr. Wilson, or some friend of his, to appear to vote for him, while the voter secretly nullified the vote by first oblitterating the name. (The ballots are folded up, so as that the name is concealed.) To an objection that the voter must be out of his senses to lose a day in attending the polls merely for the sake of putting in a blank ballot, which effected nothing on either side, it was replied that many other officers besides members of Congress, were voted for at the same time, and that he might have gone to the polls to vote effectually for these, or some of them, without wishing to effect by his vote the choice of Congressman at all. The advocates of Mr. Wilson, however, denied that the instances of blank votes given in the State Legislature, or in Congress, formed a case in point; because, there, the election turning on a majority of the whole number of votes given, blank votes were counted, and therefore did, ultimately and indirectly, affect the election; but in public elections at the polls, the greater number of votes alone

was considered, and a blank ballot, not being counted, effected absolutely nothing. They rejected, as derogatory to the character of an American freeman, the idea that he could be intimidated into acting the farce of depositing a blank ballot; but were answered by the fact that, in that part of the State of New York, great influence is exerted over voters by the agents of great land companies, to whom voters are indebted on account of their farms; one of these companies, (the Holland Land Company,) owns a tract which covers six entire counties, and its agent exercises a well-known and powerful influence in political matters, &c.

The propriety of rejecting the erased or crossed ballot, was advocated by Mr. STORRS, Mr. MARTINDALE, Mr. BAYLIES, Mr. FARRELY, Mr. MALLARY, and Mr. SLOANE; and opposed by Mr. TEN EYCK, Mr. THOMPSON of Kentucky, Mr. ELLIS, Mr. WRIGHT, and Mr. LITTLE.

Those who supported the amendment of Mr. LITTLE, which went also to exclude Mr. ADAMS from a seat in the House, were, Mr. GAZLAY, Mr. LITTLE, Mr. CLARK, Mr. CAMBERLING, Mr. MANGUM, and Mr. HOGEBROOM. Those who opposed it, were, Mr. WOOD, Mr. McDUFFIE, Mr. MALLARY, Mr. STORRS, and Mr. SLOANE. The debate covered the same ground as that of yesterday.]

FRIDAY, January 9.

Relief of Sarah Perry.

The House resolved itself into a Committee of the Whole, Mr. TAYLOR in the chair, on the following bill:

A Bill for the relief of Sarah Perry, mother of the late Oliver H. Perry.

Be it enacted, &c., That there shall be allowed, and paid, to Sarah Perry, mother of Oliver Hazard Perry, late a Captain in the Navy of the United States, a pension, or annuity, of three hundred dollars per annum, payable half yearly, from and after the passage of this act, for and during the term of her natural life, out of any money in the Treasury not otherwise appropriated.

Mr. FULLER, of Massachusetts, stated the facts of the case for which the bill was intended to provide. The House were all in the remembrance of the victory obtained on Lake Erie, in 1818, its brilliant circumstances, and its important results. When the death of the gallant officer, who achieved that victory, became known to Congress, in the year 1819, a bill was introduced, and promptly passed, which made provision for the support of his wife and children. For some reason, to Mr. F. unknown, the name of his mother was not inserted in the bill, and she had remained entirely dependent on one of her sons, now no more, who supported her as long as he lived. A second son, who was a Lieutenant in the Navy, continued her support after the death of his brother; but, three years since, was lost at sea by an accident with which the House were all acquainted. It was then that application was made by Mr.

JANUARY, 1824.]

Relief of Sarah Perry.

[H. OF R.]

Perry, whose last dependence was taken from her, for public support. A bill was last year brought into the House for her relief, but, from pressure of business, or some other cause, had been neglected to be acted upon. The present bill had the same object. It proposed but a slender support, and the object of its provision was far advanced in years. He trusted the bill would pass without opposition.

Mr. HAMILTON, of South Carolina, asked for the reading of the memorial of Mrs. Perry, which being completed—

Mr. HAMILTON rose and addressed the House to the following effect:

I hold it, sir, as a position not to be controverted, that a country or government is quite as much bound by the obligations of gratitude as an individual. That these obligations result from great and extraordinary benefits conferred on the commonwealth, producing claims which it is the province of a just and enlightened nation to canvass and appreciate. And further, that, in a republic like ours, where we give nothing to pride and luxury, these claims, involving a pecuniary bounty, are to be considered in reference to the extent and character of the services on which they are founded; the ability of the Government to discharge them; the existence of absolute want of the party to be relieved, and that the relief itself be controlled by the practice and maxims of a wise and judicious frugality. It is under these principles, which I regard as altogether axiomatic in the polity of every civilized government, that I propose to bring the case of Mrs. Perry.

The claims of this lady are founded on the exalted services of her son, Oliver Hazard Perry, who, in the hour of "your utmost need," won for you a victory of vast and inestimable importance. On this claim a peculiar and emphatic strength is conferred by the fact, that your hero did not more entirely owe his life to his mother who gave him birth, than he did those great qualities of soul which enabled him to achieve that incomparable exploit with which he has enriched the renown of his country. If the virtues of the Gracchi are to be attributed to the lofty sentiments with which the daughter of Scipio Africanus imbued their minds, the moral power of Perry is as truly to be traced to the enlightened instruction of his mother, who, by the course she pursued in his education, seems to have had an early presentiment of the rich fruits which would reward her maternal labors. For such a task this lady was eminently qualified. To a vigorous and cultivated intellect, she unites, in as high a degree as any one I have ever known, a refined sense of every thing that is truly elevated and great in human action. A love for true glory, a contempt of death and danger, an ambition controlled by an exalted patriotism, and a magnanimity partaking of all the generous and noble sympathies of our nature, were the lessons she successfully and incessantly impressed on the mind of her son. I speak with the con-

fidence of one having a personal knowledge of these facts. And I undertake to say that the triumphant defeat of your enemies in the engagement of the 10th of September, when you most wanted the moral effect of victory, is essentially to be attributed to her who is now the object of your charity—to her who cast your hero in a perfect mould of heroism—who girded on his sword, and bid him go forth and conquer.

But I will now, sir, state a circumstance in which the coldest calculation of profit and loss will perceive some justice in her claim.

After the achievement which has rendered the name of Perry so memorable, it was the misfortune of his mother, by the loss of her husband, to be reduced to a situation of difficulty and distress. Her son, with a filial devotion which invariably distinguished him, immediately appropriated a portion of his pay to the support of his parent and her then unprovided younger children. This sacred annuity was paid with the most exact punctuality, until the death of her son. On the circumstances of his death it is unnecessary to dwell. They belong to a mournful portion of our history. It is enough for my purpose to say, that he died in your service, in the performance of duties which you confided to him; and if he had not been commissioned to bear your flag to a distant and insalubrious clime, it is not probable that you would now be discussing this subject.

This pecuniary loss you are bound to make up to his mother, on every principle of justice, laying aside, altogether, the considerations of gratitude. Nor is the force of this claim in any degree impaired by the fact of his not having died in battle. Your Government sent him, in the month of August, to the pestilential banks of the Oronoco, in the performance of important naval and diplomatic functions, where he encountered perils greater and far more loathsome than the hostility of the enemies of his country. These claims of his thrice widowed mother ought not to be destroyed, because her gallant son yielded up his spirit to the ravages of an odious disease, unsolaced by those consolations which would have soothed his last pang, if he had died in the battles of his country.

I come now, sir, to the events posterior to the death of Commodore Perry, which have a direct relation to the impulse which was given to public opinion, as to the solemn obligation which rested on his country to make provision for the surviving objects of his solicitude and affection. It is one of the few events of my life, of which I have just occasion to be proud, that, in the Legislature of my native State, in December, 1819, I moved a series of resolutions, requesting our delegation warmly to co-operate in any measures that might be introduced in Congress, calculated to testify the gratitude of the country to the memory of Commodore Perry. These resolutions, having a direct reference to the subject before you, were unanimously adopted by the Legislature

of a State second to none in its ardent devotion to a stern, orthodox republican creed. The most propitious circumstance attending this impulse from South Carolina was, that the measure was in contemporary accord with the views of a gentleman (Mr. RANDOLPH) now on this floor, who, to an object so patriotic, pure, and grateful, lent the persuasive energy of his eloquence. This gentleman induced the House to adopt a resolution for the appointment of a select committee, to whom was confided the duty of inquiring what provision, comporting with the gratitude of the country, it behooved Congress to make for the family of Commodore Perry. To one, now no more, (my lamented predecessor,) who was a member of this committee, the virtues of whose noble heart were enthusiastically devoted to the subjects of its labors, I am indebted, for a knowledge of the principle by which the committee were governed, in reporting the bill on this subject, on the 28th of February, 1820. This committee, justly regarding the great and eminent services of Commodore Perry, and the indigent situation in which he had left his mother, and immediate family, thought it would not be going beyond the gratitude of the country, and the wants of the individuals to be relieved, that one-half of his full pay and emoluments as a post captain in the Navy of the United States, should be divided between them during certain periods, and on certain contingencies. The very first clause in this bill made a separate and distinct provision for his mother, precisely to the amount of the pecuniary allowance of the bill on your table. When, however, this measure was to be acted upon, some of its friends, from a fear lest the whole bill might be lost in contending for too much, consented to the erasure of this most pious and beautiful feature in the bill; one, the most strongly indicative of the feeling and considerate gratitude of the country. The gentleman from Virginia, (Mr. RANDOLPH,) who was chairman of this committee, yielded to this alteration, more, I have understood, from considerations of policy, than from a conviction of its propriety. [Mr. RANDOLPH here said that he assured the gentleman from South Carolina that he had never yielded this point.] I feel myself strengthened by the declaration of the gentleman, and that I am authorized to say that he has never surrendered his opinion that the mother of your hero has yet an uncanceled claim on your gratitude and justice. I feel that I have a right to appeal to the opinions of this gentleman; for among those who have been distinguished in the parliamentary history of your country, he is the last man who can be accused of ever having advocated a wasteful and unnecessary expenditure of your treasure.

I have preferred, sir, in the narrative I have given you, even the risk of being tediously minute, rather than that a single circumstance should be omitted, calculated to give you a full view of Mrs. Perry's situation. Her claim now

reours with all its original force, and may be said to carry a species of moral interest from its postponement.

Let us now inquire whether this claim does not come fully within the scope of the principle with which I set out. Does not this lady stand in the light of a benefactress to her country? Did she not nourish, at her bosom, a man who did you a vast and countless service? Did she not instil into his soul those moral elements which fitted him for conquest—that longing after immortality—that shining and transcendent valor—that refined and exalted chivalry, which give an indescribable charm to his whole character?

I fear, sir, if these questions are answered coldly, even in the affirmative, amidst the agitation of many topics, odious in their character, and pernicious in their discussion, we have forgotten a part of what we owe to the hero of Lake Erie. Is it an unreasonable trespass upon your time, to ask you to go back with me, for one moment, to that period when the victory of the 10th of September flashed from one end of this Union to the other, with a bright and cheering lustre, chasing back to the regions of eternal night the clouds and darkness which once seemed to have rested on your destiny, and, in the light of its glory, giving new ardor to valor, fresh hopes and confidence to patriotism? There was not a heart, among seven millions of freemen, amidst all the distractions of party, to which it did not bring gladness and exultation: for the victory was perfect in its kind. It was complete, to entire, sweeping and overwhelming subjugation. It gave security to fifteen hundred miles of your frontier, and the blow which went home to the pride of your foe, palsied the uplifted arm of his savage ally, and the tomahawk fell harmless to the earth. Amidst these events, your hero stands forth in high and resplendent relief. But let me not spoil the moral grandeur of a scene which belongs, by the joint destiny of glory and genius, to the pencil of some future artist who shall be worthy of his theme, in feeling, in full force, all its matchless sublimity. Let his canvas, then, breathe with all the animations of life, and glories of art. To him be confided the task of representing your hero in the midst of a carnage unexampled in the annals of modern warfare, carrying victoriously the tactics of Rodney to a dazzling excess, never contemplated by that hardy veteran in the intensity of his valor.

There are, Mr. Chairman, some posthumous claims of gratitude which survive the individual, and remain on this side of the grave. It is when the object of our gratitude is removed beyond the reach of our kindness, that the just and enlightened instinct of this noblest sentiment of our nature induces us to go forth and seek for those our benefactor loved best, and on them to lavish the tributes of this consecrated obligation. No stone, erected by his country, marks even the spot where the remains of

JANUARY, 1824.]

Relief of Sarah Perry.

[H. OF R.]

our gallant countryman are mouldering into "a cold clod of the valley;" but this pittance, poor as it is, which is asked for his parent, will be more consoling to his manes than monumental glories, in which the genius of Chantry and Canova might contend for mastery. Death has not paid the obligations of gratitude you owe your hero. They survive in the person of the venerable being who gave him birth. The force of this truth it is in vain for you to escape. It is but a cold and heartless sophistry, which attempts to discriminate between the gratitude of a country or Government, and that which becomes an individual. They are obligations of equivalent authority, and rest upon the soundness of the same principle.

Let us now, sir, inquire, whether the proposed annuity of three hundred dollars to Mrs. Perry is not fully within that frugality which ought to govern our bounty. Does this sum allow for any thing more than the absolute sustenance of life? Do you give, in such an amount, one farthing to pride or luxury? Let me next ask, whether the payment of this sum is within your ability? On this point I am admonished into silence by the ridicule which would await such a discussion. Nor will I permit you to plead economy, when I see so little of it employed in matters which have a personal reference to yourselves, and in objects over which we have a direct control. The testimonies of your extravagance are about me. The cost of one of those columns which uphold the dome of this cheerless waste of magnificence, would provide a fund, the interest of which would support the parent of our hero during the remnant of her life; and all the expense of the proposed annuity would twice over be paid, during its utmost duration, from the amount which we annually pay out of the public Treasury for newspapers. Precedents of self-gratification it seems are never dangerous. But, in bestowing a pittance on the mother of your gallant benefactor, there may be something superlatively perilous in the example. Let me not be told that you have already done enough in providing for the widow and children of Commodore Perry. I say, in this you have done nobly; but something yet remains to complete your benefaction, to which you are urged by the strongest claims: for the situation of his mother is equally as exigent, to say the least of it, as that of his wife and children; and the relations of the one to the object of your gratitude, are quite as proximate as those of the other.

Mr. HENRY, of Kentucky, said he did not rise with the hope of emulating the thrilling and persuasive eloquence of the honorable gentleman from South Carolina. He was far, very far from proposing to himself an effort so vain, so unavailing. It would be his endeavor to present to the committee a few plain considerations, proving, as he conceived, that the provision contemplated by this bill was strictly compatible with the established practice and the sound policy of the Government. I shall assume, said

he, as the foundation of the remarks I intend to submit, that the principle on which the present application rests, has been already settled in the act passed by a former Congress, making provision for the wife and children of the lamented Perry. What was the inducement to the passage of that act? Was it not because the deceased hero was endeared to the nation by his eminent services; and because, by his untimely death, his wife and his little ones, the principal sufferers by an affliction which covered our land with mourning, were deprived of the means of decent subsistence? Why should the aged and venerable mother of the deceased be excluded from the benefit of a similar provision? Was she less deeply affected by the tidings of his death? Who can adequately conceive the anguish of a mother who mourns for her first born? Must she be excluded because she was not the object of his tender regard, as well as his wife and his children; or because the obligation on his part to maintain her in decency and comfort was less sacred, less imperishable? The tie which binds the parent to the child, and the child to the parent, as it is the eldest, so it is, also, the latest of human obligations. The sentiment which draws a son to a virtuous and exemplary mother, to whom he owes an immense debt of gratitude and duty, constitutes one of the noblest and most refined affections of the human heart. It begins with his being—he is nourished by her strength—"from lips that he loves" he learns the lessons of truth, of wisdom, and sincerity; and by her plastic hand, whilst his heart is yet soft and ductile, he is moulded to virtue, to manliness, and patriotism. Tell me not of the influence of learning and philosophy; or of the acknowledged authority of paternal example. These are indeed essential: they are capable of doing much. But all these will be insufficient to make any man great, if the proper, the indispensable foundation be not laid in the nursery. I appeal to every honorable gentleman to recollect the infinite benefits he derives from the loveliest, the best, and most virtuous half of our species, and then, to say, if he can, that the picture I have attempted to delineate is exaggerated. We have heard repeated allusions to the brilliant achievements and wonder-working example of the hero of Lake Erie. Has it never occurred to the committee, that to the early training and correct discipline of the venerable lady whose name has been so often mentioned, he was indebted for the infusion of those principles which bore him upwards in the path of life; and finally rendered his own name illustrious, and covered the annals of his country with a flood of glory?

Mr. WICKLIFFE, of Kentucky, being so unfortunate as to differ in opinion from the gentlemen who had addressed the House in favor of this bill, by way of trying the strength of the House on the subject, moved to strike out the enacting clause of the bill, (in effect to reject it.) Mr. W. said he felt, and sensibly felt, the force of the

remarks which had been so eloquently made by the gentleman from South Carolina, on the subject, founded on the merits of the hero whose mother was to be benefited by this bill. No one, he said, felt more sensibly than himself the obligations of the principle of gratitude, and on all occasions, as an individual, and in public life, he would acknowledge them; and it was with extreme regret that this individual case should be the first presented to him here, in which he found himself bound to yield to imperious duty the dictates of mere feeling. It was not a belief that the present applicant for the bounty of Congress was undeserving—not a disagreement in the sentiments as to her situation, which had been expressed by the two gentlemen who had spoken, that induced him to make this motion; but the principle that it is dangerous in a republican Government to extend the system of pensioning beyond the extent already recognized by this Government, and acted upon for the last forty years. I ask you, said he, if we begin thus to extend it, where shall we stop? This is a case possessing strong claims upon our sympathy, but it is not the only one of the same character. Is the victory of Commodore Perry the only one which has been achieved for our country? And if we are to go on to pension the mothers of our distinguished heroes, the pensions are not less due to the mothers of the honest men who carry knapsacks, than to those of the distinguished individuals who lead them into action. Shall we extend the bounty of the Government to the mothers of men who hold a distinguished rank in society, and when application is made in behalf of others who need it more, and are perhaps not less deserving, tell them we can extend our benevolence only to those who died in leading armies or squadrons to battle? Shall I be confined to any section of this country to point out instances of men who have died in service, leaving parents in a humble and suffering condition? If we are to adopt the principle of this bill in any case, said Mr. W., I should be for going the whole; let us pass a pension law providing for the support of the widowed mothers of all our deceased heroes. I am not for making these distinctions.

Mr. Cobb, of Georgia, then rose and said, he feared, after the eloquent appeals that had fallen from gentlemen on the opposite side of the House, that he should be heard with apathy, if not worse; but he could not but think that, in the discussion which the subject had received from the advocates of the bill, too great a range had been allowed to feeling, and not quite enough to cool, dispassionate judgment. In the internal policy of this country, no maxim was more fixed or more important than one which had been well expressed by one of our own statesmen, that an extensive pension list, under a free Republic, was very inexpedient. We have laid down on this subject a principle to which it would be wise to adhere. When a soldier falls in battle, or is disabled by wounds while fighting for the country, his widow, if he dies, or

himself, if he lives, shall receive support from the funds of the nation. But, when you once leave this simple and just rule of proceeding, where are you to stop? It may perhaps, in some cases, be admissible to provide a temporary aid for the children of those who die in the field, but the idea that the nation is bound to support the widows, children and mothers of all who die in its service, is chimerical indeed. And yet it comes to this. For, if the mothers of those who die in the Navy are to be maintained, why not of those who die in the Army? If the mothers of officers of high rank, why not of subaltern officers? Nay, why not of the common soldier? He risks his life for the country as much, if not more, than his commander; so that even on the ground of feeling, the reasons for the bill entirely fail. Shall we not feel as much for the poor man as the rich? for the humble but patriotic soldier, as for his more elevated companion in arms? Mr. C. said he was in Congress when the bill for the support of the wife and children of Commodore Perry passed the House. It was known to all who were in the House at that time, that that bill had been advocated by two of the most distinguished men that ever sat in Congress—one of whom, (Mr. Lowndes,) now slumbered in the grave—the other was yet a member of the House. It was to the bursts of resistless eloquence which broke from the lips now still in death, that the passage of that bill was chiefly to be attributed; it was passed in a moment of enthusiasm; the news of the death of Commodore Perry had just reached the House, and feelings were excited which nothing could control. But this body ought not to be under the government of mere feeling when about to legislate; it must bridle its passions, and give reason opportunity to be heard. Some uniform rule ought to be established. Already the pension list of this young country is swelled to more than two millions. In fifty years, asked Mr. C., if we proceed as we have done, what will it be? He was seriously affected by the precedent it was now proposed to set. Mrs. Perry might be much distressed, and it was not disputed that her son had covered his country with glory. His merit was undisputed; and, he would say, it was unsurpassed, too, by any officer of his own grade. But what then? He could go over a long list of worthies, for whose families no provision had been made. There were, at this hour, hundreds of parents, to whom the country owed much, who were in the same circumstances with Mrs. Perry. One instance had recently been quoted on that floor, the case of Mrs. Denny. The thing was unavoidable. It was one of the fruits, the lamentable but necessary fruits of war, in all ages and countries.

Mr. McDuffie, of South Carolina, next took the floor. He commenced his observations by saying that he should feel deep regret, if, in the discharge of his public duty, as a member of this House he should ever find the dictates of policy incompatible with the sentiments of gratitude

JANUARY, 1824.]

Relief of Sarah Perry.

[H. OF R.]

and maxims of moral justice. But he was gratified to believe that that which the heart of every upright and honorable man would prompt him to do, was that which might be sustained, as the true policy of a Government, on the cool principles of reason, and by an appeal to the soundest dictates of practical wisdom. The present measure was an appeal to gratitude, founded on the principles of expediency. Did he not believe that this bill was founded on considerations of the most enlarged expediency, he would at once abandon the bill as indefensible. What, he asked, is the great object of a Government, in relation to the military and naval service, on which the honor and even the safety of the country so much depend? Without bravery, military renown, heroism, what is a nation? A multitude of individuals, little better than a rabble. Without national character, what are we? Can too high inducements be presented for the achievements of valor which serve to elevate, and even constitute that character? Can such achievements be estimated by money? They cannot. It was, therefore, he argued, the dictate of sound policy to pursue such a course as would foster the feelings and deeds upon which the honor and safety of the country depend.

Against these sound and self-evident views of national policy, views that were founded in the nature of man, what were the arguments urged? The danger of the precedent: if we pass this bill, it was said, we must, in justice, allow all similar claims, and where will it stop? To this argument, Mr. McD. said, he had a short answer. Let all claims of equal force with this claim be allowed in their fullest extent. That country, said Mr. McD., cannot be poor, which has many such claims to satisfy, rich, indeed, is that nation whose treasury is in danger of impoverishment by claims like this. The gentleman from Georgia has said, that if we extend aid to the aged parents of our officers, we are also bound to do the same for our common soldiers. I do not, said Mr. McD., admit that position. This claim rests not simply on the fact of Mrs. Perry being the mother of Commodore Perry, but on the additional idea that she stood to him, when living, in the relation of a dependent on him for support: his bounty fed her. When he died, another son assumed the pious task: of his fate none of us are ignorant; he magnanimously sacrificed his life in an effort to save his comrade, and with his life her support was cut off. Replying to another part of Mr. Cobb's argument, Mr. McD. went on to say, there is a broad distinction between the case of a high-spirited and distinguished officer, and that of a common soldier. The latter has duties of a far inferior kind, and is induced, in most cases, to enter on their performance from mercenary motives—he enters the service for his daily bread. Not so the officer. He chooses the profession for its own sake, and is tempted to the choice by the love of fame. The duties of a common soldier are performed if he fights

bravely, stands at his post, and obeys orders; whilst the duties of the officer are of the most arduous character and of the highest national importance. And when a nation has in its service high-minded and chivalrous officers, it is her soundest policy to set them free from pecuniary anxiety. Mr. McD. said he could see no danger in the precedent, in this case. The services of the son, and the strict and entire dependence of the mother, formed a peculiarity in the case which prevented that danger. The mother was, in this respect, in the place of one of the children of the officer. To them the country becomes a father—why should it not become to her as a son? The extension of the pension list, by cases of parents in such circumstances, was not to be apprehended. The lady contemplated by this bill is far advanced in years—the pension, if granted, cannot long continue—the subject of its bounty must soon sleep in the grave. It was more safe to provide for the parents than for the children of our defenders; their number could never be formidable, nor the duration of their pensions long. He had said that there would be no danger in granting this aid—he would add, there would be danger in refusing it.

Mr. A. STEVENSON, of Virginia, next addressed the committee; he had no intention, he said, when he came to the House, of participating in the discussion of this question; the debate had, however, assumed such an interesting character, that he felt himself urged by considerations of duty and feeling to ask the indulgence of the committee for a few moments. Mr. S. said he had not anticipated any serious opposition to the bill; he had hoped it would have passed unanimously, and that the House (besides performing a sacred duty) would have been enabled, by the manner in which the application was met, to have soothed, in some measure, the afflictions and sorrow of this venerable lady for the loss of her gallant son. He regretted that the gentlemen from Georgia and Kentucky should have felt it necessary, in the discharge of their duty, to oppose this bill, and that regret was occasioned by the character of their opposition. The committee had been told that the precedent which they were about to set, in passing this bill, was one of alarming and dangerous character! That the policy of the Government demanded its rejection, and that there would be no limit to applications upon our bounty. Mr. S. denied that this would be the case—this was not an application to the bounty of the Government; nor was it an application to the cold-handed charity or generosity of the House. It was an appeal to the justice and gratitude of the nation! for there could not, he said, under Heaven, be a more just claim than that which was presented by a parent under the circumstances of this case. But was the House to be fettered by rules and precedents? For his part, he cared not for precedents. He thought it was only necessary to leave the decision to the justice of

the House, and that precedents might be dispensed with. Surely, gentlemen were not afraid that precedents for conferring honor and gratitude on distinguished merit, would become too numerous! Nor did he regard the number of applications which might be made. He was prepared to give relief to all who were entitled to the justice and gratitude of the nation—gratitude for services could not be too much applauded. The generosity of our national character was dear to the people, and ought to be cherished by their representatives. He would place the aged parent, and especially the mother, by the side of the widow and the orphan—and he would do this, not only in relation to our gallant officers, but to the humblest man who should die in the service of the country. Mr. S. asked what principle of justice, or motive of policy was it that did not operate as strongly in the one case as in the other. If the object of Government in providing protection for the widow and orphan, be to excite in your gallant defenders a spirit of emulation and patriotism, and to stimulate them to deeds of noble and daring character, why might we not expect the same result, in providing for the helpless and aged parent? Did gentlemen require that the feelings of the son were to be lost in those of the husband or father? Did they believe that all the moral considerations of filial attachment and affection, which influence the heart, and which dignify and adorn the human character, belonged not to the hero? There was a sacredness, Mr. S. said, in the feelings of a son towards an aged and venerable mother, which could not be expressed. It is the primeval bond of society, and the sacrament of our nature. What do you imagine would have been the feelings of the gallant Perry, whilst he was bearing your thunder in triumph on the mountain wave, if he had supposed that that country for whom he was prepared to offer up his life, would have suffered his aged mother to be thrown upon the cold charity of the world, to beg for a precarious subsistence? What would the nation have said, after the battle of Erie, if the manner in which this application has been met to-day, had been then foretold? Almighty God! is it possible, that in this country, where triumph such pure and liberal principles, and where the character of man has been so exalted, the charge of national injustice and ingratitude is to be sustained? But, Mr. S. said, if he was wrong in placing the parent upon the same footing with the wife; yet, was this not a case which stood upon peculiar grounds, and claimed especially the justice and gratitude of the nation? Who was the applicant? The mother of five sons, who had devoted their all to their country, and two of whom had died in its service!—the mother of one of your noblest and most distinguished heroes—a man who exalted your national character, by the splendor of his victories and valor, and added to your arms imperishable honor! Let gentlemen cast back their

eye to the history of the past war. Do they forget the difficulties under which it commenced, and the disasters which befell us! Roused from a long peace of thirty years, most of our Revolutionary heroes gone, without officers of experience, without military science or military establishments, a dark gloom pervaded the Union; it was the American navy (filled with our gallant and hardy sons of the ocean) who first broke the gloom, and raised to its highest pitch the enthusiasm of the nation. Do gentlemen forget how soon they proved to the enemy that her soldiers were not invincible, nor her wooden walls invulnerable? Even England was forced to acknowledge their superiority, and Europe stood confounded. The battle of Lake Erie was then hailed as a victory, glorious and unparalleled in the history of nations. In its consequences it was almost unexampled. It swept from the enemy the labors of half a century, and destroyed the whole of her naval power upon the Lakes, (which rendered her in that quarter invulnerable,) and enabled her to wield, with powerful effect, the arm of the ruthless savage. It was Perry who achieved this victory; it was his valor which has rendered Lake Erie a monument of American glory, and made the name of your country respectable in every quarter of the world. And now, when the mother of this gallant chieftain (by whom she was supported) comes and demands, from the representatives of that country whom he has thus honored, bread, we are told to give her a stone. Economy and policy, too, we are told, require it, and the people expect it. Sir, said Mr. S., this is a slander upon the nation. Let those who oppose this bill go back to their constituents, and tell them what they have done; that they turned from their door, in the evening of a long life, the aged and venerable mother of the gallant Perry, and doomed her to the charity of the world; and if their conduct is not reproached, I can only say, that the people whom they represent are wholly unlike the generous and high-minded and honorable freemen whom I have the honor and pleasure to represent on this floor. Sir, said Mr. S., I call upon the House to pause, in the vote they are about to give; I conjure gentlemen, by every motive which can bind them to a correct discharge of duty—for the honor of the nation and its justice, not to reject this application; to let their mistaken notions of cold, calculating policy perish in the blaze of more generous and better feeling, and, by unanimity, afford some comfort and consolation to the wretched parent of this gallant chief, and pour into her agonized bosom the balm of a nation's gratitude.

Mr. CLAY (the Speaker) said he regretted extremely that the views which he entertained of this subject were such as would not allow him to accord with the gentlemen who supported the bill. If it were a question merely of feeling, he should probably accompany his assent to it with those eulogiums so eloquently bestowed upon the Victor of Lake Erie, and so

JANUARY, 1824.]

Relief of Sarah Perry.

[H. OF R.]

justly merited. If the amount of money which the bill proposed to disburse was the only objection to it, he should not have offered any opposition; but it was the principle of the bill against which he protested, and he conjured gentlemen, before they gave their assent to this bill, to pause, lest, under the influence of the bursts of eloquence which had been heard to-day, they should be instrumental in establishing a principle which he believed to be pregnant with infinite mischief. The principle of the present system of pensions is, that, for the support of him who is disabled by wounds, or the family of him who falls in battle, provision shall be made from the Treasury. Commodore Perry neither fell, nor was he wounded, in battle. In the case of his wife and children, then, there had been already a departure from the principle of our pension list, and now a still further departure from it was proposed, in order to provide for another relative of the same officer. Mr. CLAY called upon gentlemen not to suffer themselves to be led away from the true view of this question, by the seductive illusions of military or naval glory. Was there no service but the military or naval? Was there no instance, in civil service, of meritorious individuals dying whilst in the public employ, and leaving families, pining in want and overwhelmed in distress? Mr. C. here alluded to the case of a distinguished individual, (Mr. Gerry, it is supposed,) who, not many years ago, holding a high civil office, died literally in the discharge of his public duty, far advanced in years, and leaving a destitute family. That case, said he, is well remembered; and do we not all know, that every species of relief or compensation was refused to his afflicted family? Mr. C. asked gentlemen to regard all services with an equal eye, and not make unjust discriminations. And, on the score of gratitude, he asked, is there to be no limit to the operation of that feeling on the public counsels? What, he asked further, is the basis of our present pension list? Gratitude. What is the basis upon which, in other countries, aristocracies are erected, and titles and honors showered on individuals, to be transmitted down to their remotest posterity, but the same principle? Mr. C. said he should not, however, have risen, but for some general observations on this subject, which had fallen from the gentleman from South Carolina, on national glory. If you wish to make your country illustrious, said Mr. C., you must diffuse your glory. It is not your heroes—God knows we have had enough of them within the last twenty years—every man now is a hero—it is not your heroes, but the body of the people, the men who fight your battles, to whom you are indebted for your safety and your eminence as a nation. But the gentleman from South Carolina, talking of the soldiers, says they fight for pay only, whilst their commanders fight for glory. Is this the case? Look, sir, at the battle of New Orleans, rendered more familiar to our memory by the

very recent celebration of its anniversary; the militia who poured down the Mississippi upon the enemy, and met him step by step as he advanced, were they actuated by a mercenary principle? No, sir; far otherwise. Mr. C. went on to say, that he had ever been disposed, as far as possible, consistently with the public interest, to reward our successful commanders and illustrate their services; but the body of the people it is on whose virtue and valor we must depend for the preservation of our liberties. If, in awarding pensions, Congress went one step beyond the principles already recognized, where would they stop? They must go on without limit, examining in detail the circumstances which constitute each particular claim preferred upon the public bounty, and measure it out accordingly. Under the present system, which allows pensions for death or disability incurred in the public service, we have a general rule which does not depend on circumstances, and may be safely applied. It is one which depends upon facts, and not upon eloquent appeals to the feelings, by yielding to which, principle might be disregarded. This was the danger to be apprehended from the precedent, should the present bill pass. What has become of him, said Mr. CLAY, who was second to Commodore Perry in his memorable conflict? He too has fallen, and his family, it is within the knowledge of some of us, is suffering from the want of the necessary means of aid. Turning to the State from which he came, where, Mr. C. asked, is the widow of Colonel White, born to a splendid fortune, the whole of which was expended in the Revolutionary war? She is old, and in need of aid. I have, said he, a petition to present to this House, from this venerable lady, making the most feeling appeal to Congress in her behalf; yet, in answering her letter, assuring her of the pleasure I should have in presenting her memorial to the House, I did not venture to hold out to her the most distant hope of success in her application. Look abroad, said Mr. C., in all the walks of life, and see how many indigent families there are of individuals who have rendered most distinguished services to their country. Shall we select the families of those who wore epaulettes on their shoulders and swords by their sides, for peculiar favor, whilst we leave to pine in penury the families of those who have spent their lives in civil service? Not, Mr. C. said, that he would extend the principle of pensions to civil life; but he would restrict it to its present limit, within which it is safe. There was nothing more insinuating than applications of this description. But, he said, look to what they had led in other countries. Look to the pension list of England, swelled to an amount enormously great. Nay, look to our own pension list, already amounting to nearly two millions of dollars annually. Let us not, said Mr. CLAY, surrender ourselves to the captivating eloquence which we have heard on this occasion, on all sides of the House; let us rather be

H. OF R.]

The Marquis Lafayette.

[JANUARY, 1834.]

influenced by reason, principle, and precedent. Let us put some limit to this principle of gratitude, however justly it has been extolled. When the honorable gentleman from South Carolina, now no more, first introduced a bill containing this provision, as well as the one which passed for the relief of the widow and children of Commodore Perry, I told the gentleman, said Mr. C., that we were going too far. When I appealed to his better judgment, and pointed out the fatal consequences of this precedent, he consented to strike out the provision for the mother. I hope we too shall, on this occasion, availing ourselves of his enlightened wisdom, pursue the course which it dictated to him, and refuse to pass this bill.

Mr. RANDOLPH, of Virginia, rose for the single purpose of asking the honorable gentleman who had just sat down, how, upon his own principles, he reconciled his support of the bill making provision for the widow and children of Commodore Perry, with his opposition to this bill? Whether the bill first mentioned, was not the very departure from principle against which the gentleman has warned the House this morning?

Mr. CLAY said it was a departure from the general rule. But, having already departed from it, shall we make another and much wider departure? With regard to that bill, however, Mr. C. said, he had rendered it no special support, and he did not know whether or not he had voted upon it. It was a departure, but it was a safe departure when compared with that which was now proposed.

Mr. KREMER, of Pennsylvania, now rose and said, he did not calculate that he was able to throw much new light on the subject; but he was impressed with the history of this venerable lady, whose son had perished in the service of his country. She had no other prop or stay. That son had, by his services, enabled us to wrest the savage tomahawk from the hands of the Indian, and had quieted the fears of women and children through hundreds of miles of the frontier. She could point to her son, and say to the people, "This my son dried your tears, and drove your fears away." If we want soldiers, we must give them a love for heroic actions. You must be able to say to your sons, "Behold that venerable lady; she gave birth to a gallant son, who fought in defence of his country. He died and left her poor, and now that country gratefully maintains her." Would not the House enable American parents to say this? He need not wait for their answer. He wanted, he said, to reply to the honorable speaker, by a single word. To compare the services of a common soldier with those of such a commander as Perry, was like comparing the strength and size of a child to those of a giant. He had laid his bosom bare to every danger on the seas, and even in the tented field, while others staid at home, basking in the sunshine of Executive favor. Mr. K. said he should not longer trouble the House, and resumed his seat.

The question was taken on striking out the enacting clause, (in effect to reject the bill,) and carried, ayes, 121; but, after being reported to the House,

Mr. AROHER, of Virginia, moved to recommit the bill, with a view to ascertain whether some modification of it could not be made, by a limitation of the term of the pension or otherwise, so as to meet the views of the House.

This motion prevailed, but not by any considerable majority.

And, on motion, the House adjourned.

MONDAY, January 13.

Road in the Territory of Michigan.

Mr. VANCE, of Ohio, submitted the following resolution, which was read, and ordered to lie on the table, viz:

Resolved, That the Committee on Roads and Canals be instructed to prepare and report a bill appropriating twenty thousand dollars, to be expended in laying out and opening a road from Detroit, in the Territory of Michigan, to the Ohio State line, where the road from Detroit to Fort Meigs crosses the same.

Mr. VANCE said that he could not doubt, from the liberality shown to other Territories, that the House would direct the proposed inquiry. Every gentleman in the least acquainted with the situation of the Territory of Michigan, must know that it presented the most vulnerable point on our frontier, and most needed all means for public protection.

The Marquis Lafayette.

Mr. MITCHELL, of Maryland, submitted the following preamble and joint resolution, which was read, and ordered to lie upon the table, viz:

Whereas, that distinguished champion of freedom, and hero of our Revolution, the friend and associate of Washington, the Marquis De Lafayette, a volunteer General Officer in our Revolutionary war, has expressed an anxious desire to visit this country, the independence of which his valor, blood, and treasure, were so instrumental in achieving: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to communicate to the Marquis De Lafayette the expression of those sentiments of profound respect, gratitude, and affectionate attachment, which are cherished towards him by the Government and people of this country; and to assure him that the execution of his wish and intention to visit this country, will be hailed by the people and Government with patriotic pride and joy.

And be it further resolved, That the President of the United States be requested to ascertain from the Marquis De Lafayette the time when it may be most agreeable for him to perform his visit, and that he offer to the Marquis a conveyance to this country in one of our national ships.

The resolution was read the first time, and ordered to lie on the table.

JANUARY, 1824.]

Surveys for Roads and Canals.

[H. OF R.]

Relief of Land Purchasers.

Mr. RANKIN, from the Committee on the Public Lands, who were instructed, on the 18th ult., to inquire into the expediency of reviving, and continuing in force, the provisions of the act, entitled An act for the relief of the purchasers of public lands, prior to the 1st of July, 1820, made a report; which was read, and ordered to lie on the table. The report is as follows:

By the act of the 2d of March, 1821, purchasers were allowed until the 30th of September following to avail themselves of the law referred to in the resolution. From some delay in transmitting the necessary instructions to the several land offices, the limited time which was given to file the applications for the benefit of that law, and the remote situation of some of the claimants from the land offices where such applications were required to be filed, Congress, believing a revival of the act of 1821 expedient, passed the supplementary act of the 20th of April, 1822. That law gave all those who had not availed themselves of the provisions of the original act an opportunity to do so, at any time prior to the 30th of September, 1822. Notwithstanding this extension of time, it was discovered, from numerous petitions presented to Congress, at their last session, that a large class of cases existed, and which were necessary to be provided for, where individuals intended to have availed themselves of the benefit of those acts, but, from accident or misfortune, had been prevented from filing their applications in due time. For these cases, provision was made by the act of Congress of the 3d of April, 1823. Your committee believe that these laws have afforded a sufficient opportunity to all who were attentive to their own interest, to have obtained the relief provided by them; and they have no information which would, in their opinion, justify recommending to Congress the expediency or propriety of reviving and continuing in force the provisions of the act referred to in the resolution. We therefore recommend the adoption of the following resolution:

Resolved, That it is inexpedient, at this time, to revive and continue in force the provisions of the act of Congress, entitled "An act for the relief of the purchasers of the public lands prior to the 1st of July, 1820."

Revolutionary Pensions.

Mr. EDWARDS, of North Carolina, from the Committee on Revolutionary Pensions, who were instructed, on the 26th ultimo, "to inquire into the expediency of fixing by law the net amount of annual income which shall disqualify any applicant from being placed on the pension list, under the acts of the 18th of March, 1818, and 1st of May, 1820," made a report against the expediency of fixing the said amount; which was read, and ordered to lie on the table. The report is as follows:

That, by the act of 18th March, 1818, the Secretary of War is authorized to place on the pension list every person who served during the war of the Revolution, in the manner and for the term therein specified; provided he is in such "reduced circumstances as to need the assistance of his country for support." That, by the supplemental act of May 1, 1820, the applicant is required to exhibit a schedule and valuation

of his property, in order to entitle himself to the benefits of the act of March, 1818, above mentioned; and it is made "the duty of the Secretary of War to cause to be struck from the list of pensioners every person who shall not, in his opinion, be in such indigent circumstances as to be unable to support himself without the assistance of his country." The design of Congress, evidently, was to extend the benefits of these acts only to those whose condition in life, both as to property and bodily infirmity, rendered them dependent on charity for the means of subsistence. Your committee believe that this rule has been uniformly observed in their execution; and think it could not, in good policy, be departed from. The rule then being to grant relief to the necessitous only, the committee are of opinion that its equal and just operation can only be secured by trusting its application to the sound discretion of the Secretary of War. The necessities of the applicant do not depend simply upon the amount of property he has; but, also, on the number of his family; his bodily strength or weakness; and the dearth or cheapness of articles of subsistence in the portion of country in which he lives. Considerations like these must obviously be referred to the discretion of some one. To fix any amount of property or income as the rule by which applicants shall be excluded, would introduce a principle very unjust in its operation. The incomes of individuals vary according to their industry, economy, and good management; and the improvident would be benefited, while the prudent and industrious might be excluded by such a rule. No amount of property could be adopted as the rule; because, what would be a competent support for one, might be too little or too much for another. The committee, therefore, believe it impracticable to adopt any rule of valuation which would be just in its operation, or which would not involve great difficulty in its execution; and submit the following resolution:

Resolved, That the Committee on Revolutionary Pensions be discharged from the further consideration of this subject.

Surveys for Roads and Canals.

Mr. HEMPHILL moved to postpone the orders of the day, to take up the bill for obtaining the necessary surveys on the subject of roads and canals. The motion was carried, ayes 77, noes 55, and the House went into Committee of the Whole.

Mr. HEMPHILL, of Pennsylvania, observed, that the subject of internal improvements, by the General Government, had for a long time been before the nation in a variety of shapes; and that its execution, in part, had only been retarded in consequence of opinions entertained by the present Chief Magistrate and his predecessor, as to the constitutional powers of Congress to carry into effect a system of internal improvements. In support of the power of Congress, many resolutions have been adopted in this House; and two bills, predicated on such a power, passed both branches of the National Legislature. These bills, we all know, were rejected by the veto of the Executive; but nothing could be more highly recommended than the expediency of the measure, both by Mr. Madison and President Monroe. They deemed it of sufficient importance to produce a

change in the constitution. The language of the President, on this subject, is as strong as it could be; he said, if the right exists, it ought to be forthwith exercised.

As to the expediency of the measure, said Mr. H., I need not speak at large; the experience of the world tests the utility of good roads, canals, and bridges. By means of these, the inland trade of China has grown nearly equal to the whole market of Europe. It has become familiar to us, on this subject, that, in England, the Duke of Bridgewater first obtained a charter in the beginning of the reign of George III., to make a canal for the purpose of carrying coal from his estate to Manchester; the benefit of this canal was so great, that it gave encouragement for others, and George III. lived to see more than a hundred canals in his kingdom; some of them passing through hills, by tunnels, and others over valleys and rivers, by aqueducts. By means of these, there is an internal communication between most of the great towns; and there are few places in England more than fifteen miles from a water communication. The late Union Canal, in Scotland, which opens a communication between the two populous cities of Glasgow and Edinburgh, is of a size sufficient for large vessels. In Holland and the Netherlands, canals are said to be as common as roads in other countries. It would be an easy task to go into some detail, but I consider it unnecessary, the subject is so well understood.

The committee who reported the bill, said Mr. H., were under the impression that it would be more efficacious than otherwise, to leave the routes to be surveyed entirely to the discretion of the President, and that it would be of no advantage to designate them in the bill. The President will unquestionably act, in the first instance, on the most prominent objects as a basis for the construction of roads and canals and the improving of water-courses, in order to benefit internal commerce among the States, and to facilitate and give security to the common defence of the nation. For this purpose he can call to his assistance any of the corps of engineers, or practical civil engineers, who possess many advantages, from the explorations they have already made. In this respect the present bill differs from the one reported at the last session, which provided for plans and estimates for a national road from the city of Washington to New Orleans, and for canals from the harbor of Boston to the South, along the Atlantic sea coast, and to connect the waters of the Ohio above with those below the falls at Louisville; Lake Erie with the Ohio River; the tide waters of the Potomac with the same stream at Cumberland; and for communications between the Susquehanna and the rivers Seneca and Genesee, which empty into Lake Ontario, and between the Tennessee and Savannah, and also between the Tennessee, Alabama, and Tombigbee rivers.

I sincerely believe, said Mr. H., that the people are fully prepared for, and that the spirit

of the nation would now justify, the expenditure of large sums on great national objects. The expense of twenty or twenty-five millions ought to form no objection; for, if the debt should go down to posterity, it will carry with it a legacy of a thousand times its value. We are under no pressing obligation to discharge it immediately; but admit that we are, of what consequence, compared with the object, would such a sum be, when its expenditure would be spread over a period of ten or fifteen years!

We can never expect to see more prosperous times for the commencement of public undertakings. If this subject is slumbered over for centuries, the same reasons will be urged against public works that are now.

In concluding, Mr. HEMPHILL moved that the blank in the third section of the bill be filled with \$30,000.

Mr. P. P. BARBOUR offered a motion (which, by the rules of the House, superseded that to fill the blank) to strike out the enacting clause of the bill. He did this, he said, in all fairness, that the sense of the House might first be obtained on the general principles involved in the bill, before any thing should be determined as to its details. Wishing, also, to deliver his views on the subject, and the hour being now rather late, he moved that the committee should rise, and ask leave to sit again.

These motions, in the course of the conversation which followed, Mr. BARBOUR withdrew.

Mr. MEBBER, on the other hand, did not think that this bill was calculated in any manner to test the opinion of the House on the great questions of the power of Congress in regard to internal improvement, and the expediency of exercising it. He conceived it might be extremely proper to employ the topographical engineers in these surveys, without involving the constitutional question at all, and indeed that they could not be better employed. Mr. M. adverted to the opinions of the Executive on this subject, which he said had not, that he knew of, undergone any change. It was well known that the President had always asserted the power of the General Government to appropriate money to complete roads and canals, but had also expressed the opinion that Congress had no jurisdiction over the territory of the several States for the purpose of making them. But this bill, Mr. M. added, did not involve that principle, and he did not see that the discussion of it would now be in place. He hoped, before the session was at an end, that a bill, which did involve the question, would be fairly before the House, on which the question might be tested.

Mr. OLAY said he knew it was possible, according to one interpretation of the constitution, to pass this bill without involving, in the discussion, the general principle of the power of the Government in regard to internal improvement. But he thought, for his part, that the House could not fairly give its approbation to this bill, unless it also gave its assent to the general power. For what, he asked, does the

JANUARY, 1824.]

Michigan Contested Election.

[H. OF R.]

bill propose? The making of certain surveys, with a view to opening channels for the distribution of the means of the Government, and, through the Post Office, the communication of intelligence from one part of the country to the other. If the Government has no right to open these communications, it has no right to make the surveys which are preparatory to them. He adverted to the fact that when, some sixteen years ago, a proposition had been made in the Senate for authorizing a survey for a canal around the falls of the Ohio, a member, now high in office, was of opinion that, so absolutely was the Government divested of the power over internal improvement, it could not authorize a survey looking to such an object. Mr. C. said, that he was one of those who do believe the power of making roads and canals to belong to the Government. There were some who differed from him, and deduced the power to give money for such objects from the power to appropriate public money; whilst he considered the power to make the improvements as drawing after it the power to make the appropriations for them. According to the view which he took of the subject, the power of the Government in regard to internal improvements was a necessary and indispensable topic of discussion which this bill involved. It would be better, then, he thought, to bring on the general discussion first, and after the House should be satisfied of its power, to take into consideration the sum of money which it might be necessary to appropriate to these national purposes.

The committee then rose, on motion of Mr. BARBOUR, and obtained leave to sit again.

TUESDAY, January 18.

*Michigan Contested Election—Ineligibility of the Sitting Delegate Averred—Eligibility to be Determined under the Ordinance of 1787, and not under the Constitution of the United States—Contested Election.**

Mr. SLOANE from the Committee on Elections, to which was referred the memorial of John Biddle, contesting the right of GABRIEL RICHARD to a seat in this House as the delegate of Michigan, made an unfavorable report thereon; which was ordered to lie on the table. The report is as follows:

The petitioner objects to the right of the sitting delegate to retain his seat, for the following reasons: 1st. That he is not a citizen of the United States, but, on the contrary, is an alien, owing allegiance to

a foreign power; and that although he has been naturalized before a court of the Territory, yet that this court not being of that description which, by the laws of the United States, is authorized to admit aliens to become citizens, his admission is of no validity.

2d. That, even admitting the authority of the court, the naturalization not having taken place one year previous to the election, he is still disqualified from retaining his seat. In entering upon the consideration of this subject, the first point that presents itself is the authority on which the right of a Territory to be represented by a delegate in the House of Representatives is founded; and next, the qualifications which it is requisite such delegates should possess. The office is one which is not provided for in the constitution. It grew out of the ordinance of Congress for the government of the Northwestern Territory, passed anterior to the adoption of the Constitution of the United States, and has formed the basis of all the territorial governments which have since existed. By that ordinance no qualifications were required of the person elected a delegate; nor do the laws of the United States, which have been subsequently passed in relation to the election of delegates from other Territories, prescribe any. The committee will not attempt to discuss, much less to decide, the propriety of allowing persons who are not citizens of the United States, or who may owe allegiance to a foreign Government, to hold seats in this House as delegates from Territories. It will be sufficient to state the fact, that there are no statutory provisions on the subject; and that, unless it can be deduced from the general principles of the constitution, there is no authority to exclude an alien from holding a seat in Congress as a delegate from a Territory. The case under consideration does not, however, present itself in such manner as to render a decision of this point absolutely necessary. By the documents which have been referred, it appears that the sitting delegate is a native of France; that he emigrated to the United States in 1792, with an intention of residing therein; that he has so resided until the present time; that in June, 1823, he made application to the court of Wayne county, in the Territory of Michigan, then holden in the city of Detroit, and was admitted to become a citizen of the United States. The question now comes up for consideration, whether this court is of the description which have authority competent to perform acts of this kind. The act of Congress, passed the 14th of April, 1802, entitled "An act to establish a uniform rule of naturalization, and to repeal all the acts heretofore passed on that subject," provides that aliens may be admitted to become citizens of the United States by the "supreme, superior, district, or circuit court of some one of the States, or of the territorial jurisdictions of the United States, or a circuit or district court of the United States." In a law of Congress which was designed to confer jurisdiction on other courts than those of the United States, and which courts were possessed of different powers, and variously constituted, it would be extremely difficult to describe each court by that name or appellation which it received in the law of the State or Territory by which it was established. Besides, was such precision to be observed, Congress would be under the necessity of altering the law to meet every change which the different States might find it convenient to make in their judicial system,

* This is one of the cases of contested elections which retains a surviving interest, in showing that the qualifications of delegates from Territories are to be determined by the ordinance of 1787, and not by the Constitution of the United States; and that an alien, not being disqualified by that ordinance, or by any act of Congress, may serve in Congress as delegate: where, in fact, he has no power, only a right to speak, (and that intended to be on the affairs of his Territory,) without the privilege of voting upon any thing even which concerned the Territory.

or otherwise the object of the law might, in some States, be entirely defeated. In making provision for the naturalization of foreigners, the intention of Congress obviously was to confide it to all courts which possessed those attributes that would render them safe depositories of the trust reposed. And the terms employed to describe them must be construed to relate to their powers and jurisdiction, and not to the name or appellation by which they were respectively designated in the laws of the States or Territories in which they exist. That this is a fair construction, will appear manifest from the provisions of the third section of the same act, which declares "that every court of record, in any individual State, having common law jurisdiction, and a seal, and clerk or prothonotary, shall be considered as a district court within the meaning of this act."

The exceptions taken to the authority of a county court of a Territory to admit aliens to become citizens of the United States, are founded on the reference in this section to State courts, and the omission to include the courts of a similar character in the Territories. But this section, it must be observed, is merely declaratory, and cannot justly be construed to contain any thing more than an explanation of what was intended to be understood by the terms "district and circuit court." Let us see what is the interpretation. It is, "that every court of record which possesses certain other attributes, which are enumerated, is to be considered as a district court." Here is no new grant of power, but only a declaration of the character in which those courts are considered; and the omission of the territorial courts in this section cannot be construed to annul the grant of power contained in the first section. The reason for enacting the first section, was obviously to explain away certain doubts which appear by the preamble to have existed in regard to some of the courts in certain States; and the presumption is, that, in respect to the territorial courts, no such doubts were suggested, and hence the omission. Should this view of the subject be correct, there can be no doubt but that by the laws of the United States the county courts in the Territory of Michigan, are to be considered as district courts, and competent to admit aliens to become citizens of the United States; and that, as the sitting delegate was naturalized before one of those courts, he thereby became, and in fact, now is, a citizen of the United States.

The committee will now proceed to the consideration of the second objection, viz: That, even admitting the validity of the naturalization, yet, as it did not take place one year before the election, the sitting delegate was not at that time legally qualified, inasmuch as he had not resided in the Territory one year previous to the election in the quality of a citizen of the United States. The authority relied on to support this position, is the act of Congress "authorizing the election of a delegate from the Michigan Territory to the Congress of the United States, and extending the right of suffrage to the citizens of said Territory," passed the 16th of February, 1819; and the "act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes," passed the 3d of March, 1823. The former of these acts provides "that every free white male citizen of said Territory, above the age of twenty-one years, who shall have resided therein one year next preceding the election," &c., shall be entitled to vote at such election for a dele-

gate to the Congress of the United States. The latter act provides that all citizens of the United States, having the qualifications prescribed by the act of the 16th of February, 1819, shall be eligible to any office in said Territory. The committee will not undertake to decide whether the station of delegate is such an office as comes within the meaning of this act; but, even admitting that it is, the conclusion will not prejudice the right of the sitting delegate to his seat. Neither of the acts referred to require that the person shall possess the qualifications enumerated at any other time than that at which the election takes place. It is not the citizen who is required to have resided in that quality for one year next preceding the election. It is the person, the individual, the man, who is spoken of, and who is to possess the qualifications of residence, age, freedom, &c., at the time he offers to vote, or is to be voted for, or claims the privileges and franchises which those acts bestow. From a careful examination of the case in all its bearings and relations, the committee are impelled to the conclusion that the sitting delegate was at the time of his election a citizen of the United States, possessed of all the constitutional and legal qualifications to render him eligible to a seat in the present Congress, and do, therefore, submit the following resolution:

"Resolved, That Gabriel Richard is entitled to a seat in this House, as a delegate from the Territory of Michigan."

Marquis Lafayette.

The joint resolutions yesterday moved by Mr. MITCHELL, of Maryland, looking to the probability of a visit from the Marquis Lafayette to this country, and proposing to send a national ship for him, were read a second time; and the question being on ordering them to a third reading—

A motion was made by Mr. CONDUCT to lay the resolutions on the table, to give time for further consideration thereon.

This motion was negative—80 to 74.

Mr. WILLIAMS, of North Carolina, expressed his wish to have more authentic information of the expressions of General Lafayette on the subject of a visit to the United States. He thought the House was not in possession of such information on the subject as would justify acting upon it—intimating, that if he was properly apprised of the facts alleged in the preamble, he did not know that he should object to the resolutions.

Mr. BRENT, of Louisiana, said he did not consider it material to a decision on these resolutions, whether or not it was the wish of the Marquis Lafayette to visit the United States. But, Mr. B. said, he had seen letters from the Marquis himself expressing that wish. He had seen a letter addressed to Mr. Davezac, of New Orleans, wherein Marquis Lafayette stated that it was his intention to visit the United States once more before he died. One of his colleagues, also, (Mr. LIVINGSTON,) had received a letter to the same effect. Mr. B. said, he hoped, on this occasion, not only an affirmative but a unanimous vote.

JANUARY, 1824.]

Surveys for Roads and Canals.

[H. OF R.]

Mr. RICH, of Vermont, moved to amend the resolution by striking out the words "expressed an anxious wish," and insert in lieu thereof "announced his intention," to visit the United States, &c.

Mr. CONDUCT, of New Jersey, said, that it would be much more competent for a committee than for the whole House to amend the phraseology of a resolve, and, as there seemed to be some doubt, as to the phraseology of the preamble at least, he moved to refer the resolutions to a select committee.

This motion was agreed to without opposition; and Mr. CONDUCT, Mr. MITCHELL, Mr. HOLCOMBE, Mr. BRENT, Mr. CUTHBERT, Mr. CAMBRELENG, and Mr. LIVINGSTON, were appointed the said committee.

Surveys for Roads and Canals.

On motion of Mr. HEMPHILL, the House again resolved itself into a Committee of the Whole, on the unfinished business of yesterday. Mr. FOOT was called to the chair, and the consideration of the bill for obtaining the necessary surveys, plans, and estimates, on the subject of roads and canals, was resumed.

The bill, observed Mr. B., proposes an appropriation of money to obtain the necessary surveys and plans on the subject of roads and canals; and its advocates had urged that it was merely a measure to procure useful information; but it sought that information avowedly with reference to an ulterior object; and if this ulterior measure be not constitutionally within the powers of Congress, then, he contended, that Congress were not warranted in taking the preparatory step now proposed. He should trouble the House with no remarks on the general subject of internal improvements; the advantages to be derived from good roads and canals none deny; he fully accorded in the opinions expressed by the chairman of the committee on the saving of expense and promotion of intercourse which must necessarily result from them. But the question now to be argued was of a different complexion—it was the question of power. He had long been of opinion, that Congress was not possessed of this power under the constitution, as that instrument now stands; and it would be the object of his present discussion to prove this.

He would now proceed to an examination of the constitution itself, in reference to the power in question. It was worthy of inquiry, however, first, to look at the great diversity of opinion among those who professed to derive the power of making internal improvements from the constitution. Some thought it might be done with the consent of the States concerned; others, without that consent. Some drew it from one part of the constitution, some from another. Some maintain that Congress has the power without the section which authorizes them to collect taxes, &c.; others, that it has not. All these various classes of advocates, however diverse or incompatible their various

opinions might be, were, he did not doubt, as sincere in holding and in expressing them, as he himself was in the views he took on the subject. He should think it needless to occupy much time to prove that, if Congress possessed the power at all, they needed not the assent of the States through which the improvements were to pass, though such assent had been asked as to the Cumberland road. For, whatever powers the constitution has given them, they may not only exercise without the assent of the States, but against their will, within constitutional limits. Take, for example, the power of taxation; and so of their other powers. If assent is to be procured, it implies that it cannot be done without such assent; but if the assent give the authority, it follows that, by the assent of a few States, a new power may be imparted; whereas, to get a new power requires an amendment of the constitution, which can only be done in the manner prescribed by that instrument. There are, indeed, a few cases in which the constitution requires the assent of the States, such as the purchase of sites for forts, arsenals, &c., but the very requisition of assent in these cases, utterly excludes the idea of its necessity in any others.

If no consent is required from the States, it must be because the power is granted by the constitution. Is it granted? asked Mr. B. I cannot find such a word in any part of that instrument, as power to make canals. He here read extracts from the report of the first Secretary of the Treasury, (General Hamilton,) in which, he contended, that that statesman did not pretend to claim such a power as belonging to the General Government. He was, in that report, opposing the force of the arguments of the then Secretary of State, (Mr. Jefferson,) in respect to the incorporation of the Bank of the United States, but, though strenuous in his opposition, he admitted "that a special power to incorporate, for the purpose of opening canals, would have been necessary, except with regard to the Western Territory; there being nothing, in any part of the constitution, respecting the regulation of canals." It is not pretended that the power to make roads and canals is a positive power, granted by the constitution; it is supposed, however, to be implied in some of those expressly enumerated. From which of these is it sought to be derived? Some say from that clause which gives to Congress "power to regulate commerce with foreign nations, and among the several States." For himself, it had always been his opinion that this grant extended no farther than to prescribing the terms on which this commerce shall be conducted. He had derived this opinion equally from the history and the geographical position of the United States. The slightest glance at a map of the Union is sufficient to show that, in respect to commercial advantages, some of the States are far better situated than others; and this power was given to prevent undue advan-

tage being taken of those States which were less favorably situated, by the laying of exactions on the passage of their products to a market, &c., [on which part of the subject he read a quotation from one of the numbers of "The Federalist."] Here, he said, was a precise, and special reason for the grant of this power, which ought to be taken as the best explanation of the power itself.

Having thus examined in succession the several parts of the constitution, in which the advocates for internal improvements sought to find the grant of power to make them, he would add one other view of that instrument considered as a whole. Although its framers went into the construction of it in a liberal spirit of mutual concessions, yet there is manifest, in various parts of it, a portion of mutual jealousy also. That spirit plainly appears in such regulations as that which provides that all direct taxes shall be in proportion to the population of the several States—that there shall be no tax on exports, &c. These provisions evidently arose out of a fear that some inequality might exist in the burdens or advantages of the new Government as apportioned among the States. But if the framers of the constitution thus intended to guard by anticipation, against all such inequalities, do I not, said Mr. B., derive from that fact a very strong argument, to show that they never meant to give to the General Government municipal powers, such as internal improvements? These powers bear directly on the internal affairs of a people almost infinitely diversified in situation, circumstances, and local interests. Of what use is it to forbid a disproportionate drawing of money from the different States, if, when drawn, according to due proportion from each, it may then be given for the benefit of a few, or of a single State? Take an illustration from the great New York canal. Had the expense of that canal been borne by the General Government? Although it would in a degree have "promoted the general welfare," would it not, out of all proportion, have benefited the State of New York in particular? And do what you will, from the very nature of things it must happen, however pure the intentions of Government, that the practical operation of such an interpretation of the constitution, and of the system which rests on that interpretation, will be to produce an unequal and disproportionate application of moneys drawn from all the States. If this may be done, it is vain to forbid unequal taxes, and what must be the natural consequence? To produce discontent and heart-burnings in those parts of the Union which are least benefited, or not at all, by the improvements effected. Some States may be so situated by geographical position, that either a small share only, or no part of the proposed improvements may be made within them, and when they see large sums continually going, under the idea of "promoting the general welfare," to accomplish objects which are to benefit other States, a

jealousy will be excited dangerous to the peace of our country. It may be said that such a feeling is unjustifiable; however that may be, it is the part of a wise Government, and it was the design of the authors of our constitution, to guard, as far as practicable, against giving occasion to feelings of so pernicious a character.

Before he concluded, Mr. B. said he would refer, in anticipation, to an argument which he doubted not to hear urged from certain precedents which have already been set by Congress on the general subject, and which are thought by some to cover the principle against which he was now contending.

The case of the Cumberland road was one of these precedents. It had been constructed not by any one of the State governments through whose territory it passed, but by the General Government, and at the public expense. Very true. But did not Congress, in the very act providing for this road, virtually cede the constitutional question, by requiring the consent of those States? If the constitution gives the Congress power to make roads where it will, "to promote the general welfare," the consent of no State, as he hoped he had already proven, can be required to the exercise of that power; and so far was President Jefferson from believing such a power to be in the possession of Government, that he expressly recommended an amendment of the constitution in order to give it. On the same ground President Madison rested his veto to the act for giving the bonus of the United States Bank, as a fund for internal improvement; and our present worthy Chief Magistrate, although he has approved acts for the continuation and completion of the Cumberland road, made a distinction between power to appropriate for such a road, and the power of jurisdiction over it. I deny both. In conclusion, Mr. B. said, that he had endeavored to present to the House a fair, and at the same time, brief statement of his views on the subject; he had long been of the opinion, that, however desirable or advantageous internal improvements might be, Congress, by the constitution, had no power to make them. He knew that other gentlemen differed widely from himself in this opinion, and he could not, and did not entertain the slightest doubt that they were as sincere and upright in their views as he was in his; both sides of the question would doubtless be presented in argument, and it would be for the committee to decide between them.

Mr. HOLCOMBE, of New Jersey, rose, and observed, that the course which he should take in the discussion would be widely different from the one pursued by the honorable gentleman from Virginia, (Mr. BARBOUR,) who had just taken his seat, and who had addressed the committee with so much ingenuity and eloquence. I shall defend the constitutional right—Mr. H. observed—and the expediency of passing this bill. The constitutional right, in-

JANUARY, 1824.]

Surveys for Roads and Canals.

[H. OF R.]

deed, in the General Government, and the expediency of appropriating the public treasure, for purposes of internal improvement, have always appeared to me propositions too obvious and irresistible to require either illustration or defence; and there is, surely, no fact in our parliamentary history more remarkable, than the successful opposition which has combatted this bill, or the principle which it involves, in every stage of its progress. Posterity will scarcely credit it; especially when the enlightened period in which we live, and the spirit of universal improvement which distinguishes it, be taken into consideration. And the fact, Mr. Chairman, can only be explained by referring it to that obliquity of the human mind, which arrays itself in opposition to all new improvements, either in physics or in morals; and to all novel and extraordinary efforts of genius or patriotism. Ridicule and contempt pursued the great Columbus from court to court; and persecution followed him to the grave. The grandeur and success of his enterprise were insufficient to protect him from the embittered vengeance of those whose vain predictions he had so signally exposed. But, sir, said Mr. H., it is unnecessary to refer to history for illustration. When Fulton announced the discovery of steam-navigation, incredulity pointed to numerous failures; and ignorance asserted its folly and extravagance. But the steamboat floats upon the waters of every civilized nation, and if the contemplated improvement of another distinguished American be not illusory, is destined to traverse the ocean itself, for the purposes of commerce, with a celerity heretofore unprecedented, and unimagined—conquering time and space, and drawing together, within the circle of social and national intercourse, the remote and scattered families of the human race. Again, sir, when the question of the great New York Canal was first in agitation, public opinion pronounced it a project visionary and impossible. The traveller, indeed, struck with the magnificence of the enterprise, assented to its practicability, but spoke of the ages necessary for its completion. In less than six years, however, the waters of the great Lakes mingled with the Hudson! and this most brilliant and successful effort of modern genius and enterprise is rapidly hastening to its consummation. And such will be the splendid result, I will venture to predict, of the present question. It has been denounced, as unconstitutional, and opposed, as inexpedient. But, if innumerable indications and expressions of public opinion be not entirely deceptive, the period is not distant—nay, before the very decorations of this Hall shall be soiled by the hand of time—when a new policy, and new principles of legislation, shall be announced, by liberal and munificent appropriations by the General Government, for the purposes of internal improvement.

The bill, Mr. Chairman, is combatted as unconstitutional and inexpedient. I will examine

both points, as briefly, but perspicuously, as I am able.

That the Constitution of the United States, in broad and express terms, has not granted to the Congress of the United States the power of appropriating the public treasure for the purposes of internal improvement, is unquestionable. But that such a power is really secured by a liberal construction of this instrument, sufficiently ample for all the purposes of legislation in relation to this question, has never been doubted by many politicians. I profess to belong to that number, and, indeed, I cannot conceive an idea more extravagant than that a Government should be constituted so utterly imperfect, as to be incapable of appropriating its funds for any object which its constituted authorities might consider necessary for the public welfare. History furnishes no such example. And that ours is actually such a Government, must presuppose the most extraordinary want of foresight in a body of politicians, (the framers of the constitution,) otherwise remarkable for the acuteness and prophetic sagacity of their views. We have been accustomed to regard, and justly too, the Constitution of the United States as the ablest effort of wisdom and virtue. But, if the doctrines of the honorable gentleman who has just taken his seat be correct, a bitterer satire upon its imperfections could scarcely be pronounced or imagined.

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Such, said Mr. H., is a condensed but very luminous view (its preamble) of the pervading spirit and grand design of the constitution. But yet, sir, we are told by the honorable gentleman, that the bill under consideration, obviously and acknowledgedly indispensable to secure the public defence, and promote the general welfare, is unconstitutional! But, whatever may have been the hesitation of earlier legislators in relation to the constitutional right of appropriating public money for objects of internal improvement, a practice or practices have grown out of the implied powers by the constitution, which, as legitimate precedents, appear to me, as far as the present question is concerned, to be fully sufficient to remove all obscurity (if, indeed, obscurity there be) from the proper latitude of construction to be given to it. We erect light-houses, sea walls, piers, and buoys, to facilitate commerce; we endow military schools as appendages to our military system; we construct costly edifices and establish expensive libraries, to subserve the luxury, or, if you please, the convenience of legislation, without startling the scruples or prejudices of the most sensitive. But such acts, gentlemen observe, are essential for carrying into effect powers expressly granted. And surely, upon

this principle, (if no other principle permitted,) a system of internal improvement by the General Government may be sustained and defended. For are not roads and canals obviously indispensable for carrying into effect a system of public defence, as provided for by the constitution? Indispensable, indeed, for carrying into effect the whole grand design of that immortal instrument—the security, prosperity, and happiness of the good people of these States.

The right of appropriation, together with all necessary jurisdiction and sovereignty, extends in my opinion to every act of legislation, which, though unembraced by the express letter of the constitution, will obviously and certainly promote the public welfare. And this is the construction, I am convinced, which public opinion has given to this question. The committee will perceive, therefore, that I do not derive the constitutional power of appropriation in this case, as a consequent to the power of regulating internal or external commerce, or of establishing post-offices and post roads, or from an extended and extravagant construction to any individual power; but rather from that general power, which appears to me incidental to, and inseparably connected with, all Governments: the power of securing the public defence and promoting the general welfare. But such a power, it is observed, has no limits; it will reach to any thing and every thing, and consequently is dangerous and inadmissible. The danger, sir, is more imaginary than real. The discretion of Congress must determine its limits, as it does in relation to every other power of the constitution, express or implied. I would not, Mr. Chairman, on this, or on any other subject, be considered as regarding lightly the authority of the constitution. On the contrary, as far as its powers be express and unequivocal, let them be fulfilled, even to the uttermost of their requisitions. It is, indeed, a charter so inexpressibly solemn and imposing in its obligations, that it should be approached with caution, and touched (if it be touched at all) with becoming reverence. Or rather, it is that grand temple in which is deposited the ark, not only of our own liberties, but of the hopes and liberties of the human race.

“Long as the Coliseum stands, Rome shall stand;
When falls the Coliseum, Rome shall fall,
And when Rome falls, the world.”

Yes, sir, equally with those opposed to the bill, I regard as sacred and obligatory, the authority of the constitution, as far as it be express and unequivocal. And I must be permitted to avail myself of this opportunity of protesting against the extraordinary disposition manifested at this moment, to assail its integrity. And I regret exceedingly to observe the force of the powerful talents of my distinguished friend from South Carolina, (Mr. McDUFFIE,) arrayed against it. Amendments may be necessary; and, to a certain extent—a very limited extent, however—I believe are desirable. But with

all its imperfections, it is notwithstanding, Mr. Chairman, that august structure into which I would rather see committed the everlasting destinies of this country, than any other which the genius of man will ever be able to devise or erect. Storms may assail, and the shadows of portending dissolution will assuredly encompass it. But, as long as virtue and intelligence continue to crowd its portals and officiate at its altars, the tempest will burst harmless around it; and when the deep gloom of the moment shall break away, the symbol of the Union will still be seen, floating over it, as resplendently as ever—as uninfluenced, and unendangered, indeed, as the standard erected above us, by the storms which sometimes shake this hall to its foundations.

When Mr. HOLCOMBE had concluded—

On suggestion of Mr. CLAY, who is, therefore, entitled to the floor, the committee rose, and the House adjourned.

WEDNESDAY, February 14.

Surveys for Roads and Canals.

The House went into Committee of the Whole, Mr. FOOT, of Connecticut, in the chair, on the unfinished business of yesterday; which was, on motion of Mr. BARBOUR, to strike out the enacting clause of the bill reported by Mr. HEMPHILL, Chairman of the Committee on Roads and Canals, to obtain the requisite surveys and plans on that subject.

Mr. CLAY, (Speaker,) in rising, said, that he could not enter on the discussion of the subject before him, without first asking leave to express his thanks for the kindness of the committee in so far accommodating him, as to agree unanimously to adjourn its sitting to the present time, in order to afford him the opportunity of exhibiting his views; (which, however, he feared he should do very unacceptably.) As a requital for this kindness, he would endeavor, as far as was practicable, to abbreviate what he had to present to their consideration. Yet, on a question of this extent and moment, there were so many topics which demanded a deliberate examination, that, from the nature of the case, it would be impossible, he was afraid, to reduce the argument to any thing that the committee would consider a reasonable compass.

It was known to all who heard him, that there had now existed for several years a difference of opinion between the Executive and Legislative branches of this Government, as to the nature and extent of certain powers conferred upon it by the constitution. Two successive Presidents had returned to Congress bills which had previously passed both Houses of that body, with a communication of the opinion that Congress, under the constitution, possessed no power to enact such laws. High respect, personal and official, must be felt by all, as it was due, to those distinguished officers, and to their opinions thus solemnly announced;

JANUARY, 1824.]

Survey for Roads and Canals.

[H. OF R.]

and the most profound consideration belonged to our present Chief Magistrate, who had favored that House with a written argument, of great length and labor, consisting of not less than sixty or seventy pages, in support of his exposition of the constitution. From the magnitude of the interests involved in the question, all would readily concur, that, if the power is granted and does really exist, it ought to be vindicated, upheld, maintained, that the country might derive the great benefits which may flow from its prudent exercise. If it has not been communicated to Congress, then all claim to it should be, at once, surrendered. It was a circumstance of peculiar regret to him, that one more competent than himself had not risen to support the course which the legislative department had heretofore felt itself bound to pursue on this great question. Of all the trusts which are created by human agency, that is the highest, most solemn, and most responsible, which involves the exercise of political power. Exerted when it has not been intrusted, the public functionary is guilty of usurpation. And his infidelity to the public good is not, perhaps, less culpable, when he neglects or refuses to exercise a power which has been fairly conveyed, to promote the public prosperity. If the power which he thus forbears to exercise, can only be exerted by him—if no other public functionary can employ it, and the public good requires its exercise, his treachery is greatly aggravated. It is only in those cases where the object of the investment of power is the personal ease or aggrandizement of the public agent, that his forbearance to use it is praiseworthy, gracious, or magnanimous.

He was extremely happy to find, that, on many of the points of the argument of the honorable gentleman from Virginia, (Mr. BARBOUR,) there was entire concurrence between them, widely as they differed in their ultimate conclusions. On this occasion (as on all others on which that gentleman obliged the House with an expression of his opinions) he displayed great ability and ingenuity; and, as well from the matter as from the respectful manner of his argument, it was deserving of the most thorough consideration. He was compelled to differ from that gentleman at the very threshold. He had commenced by laying down as a general principle, that, in the distribution of powers among our Federal and State governments, those which were of a municipal character were to be considered as appertaining to the State governments, and those which related to external affairs, to the General Government. If he might be allowed to throw the argument of the gentleman into the form of a syllogism, (a shape which he presumed would be quite agreeable to him,) it amounted to this: Municipal powers belong exclusively to the State governments: but the power to make internal improvements is municipal; therefore it belongs to the State governments alone. He (Mr. C.) denied both the premises and the conclusion. If the gentle-

man had affirmed that certain municipal powers, and the great mass of them, belong to the State governments, his proposition would have been incontrovertible. But if he had so qualified it, it would not have assisted the gentleman at all in his conclusion. But surely the power of taxation—the power to regulate the value of coin—the power to establish a uniform standard of weights and measures—to establish post-offices and post roads—to regulate commerce among the several States—that in relation to the judiciary, besides many other powers indisputably belonging to the Federal Government, are strictly municipal. If, as he understood the gentleman in the course of the subsequent part of his argument to admit, some municipal powers belong to the one system, and some to the other, we shall derive very little aid from the gentleman's principle, in making the discrimination between the two. The question must ever remain open, whether any given power, and of course that in question, is or is not delegated to this Government or retained by the States.

The conclusion of the gentleman is, that all internal improvements belong to the State governments; that they are of a limited and local character, and are not comprehended within the scope of the federal powers, which relate to external or general objects. That many, perhaps most internal improvements, partake of the character described by the gentleman, he, Mr. C., should not deny. But it was no less true that there were others, emphatically national, which neither the policy, nor the power, nor the interest of any State would induce it to accomplish, and which could only be effected by the application of the resources of the nation. The improvement of the navigation of the Mississippi would furnish a striking example. This was undeniably a great and important object. The report of a highly scientific and intelligent officer of the Engineer Corps, (which Mr. C. hoped would be soon taken up and acted upon,) had shown that the cost of any practicable improvement in the navigation of that river, in the present state of the inhabitants of its banks, was a mere trifle in comparison to the great benefits which would accrue from it. He, Mr. CLAY, believed that about double the amount of the loss of a single steamboat and cargo, (the Tennessee,) would effect the whole improvement in the navigation of that river, which ought to be at this time attempted. In this great object twelve States and two Territories were, in different degrees, interested. The power to effect the improvement of that river was surely not municipal, in the sense in which the gentleman used the term. If it were, to which of the twelve States and two Territories concerned did it belong? It was a great object, which could only be effected by a Confederacy. And here is existing that Confederacy, and no other can lawfully exist; for the constitution prohibits the States, immediately interested, from entering into any treaty

or compact with each other. Other examples might be given to show, that, if even the power existed, the inclination to exert it would not be felt, to effectuate certain improvements eminently calculated to promote the prosperity of the Union. Neither of the three States, nor all of them united, through which the Cumberland road passes, would ever have erected that road. Two of them would have thrown in every impediment to its completion in their power. Federative in its character, it could only have been executed so far by the application of federative means. Again: the contemplated canal through New Jersey; that to connect the waters of the Chesapeake and Delaware; that to unite the Ohio and the Potomac, were all objects of a general and federative nature, in which the States, through which they might severally pass, could not be expected to feel any such special interest as would lead to their execution. Tending, as undoubtedly they would do, to promote the good of the whole, the power and the treasure of the whole must be applied to their execution, if they are ever consummated.

Before he proceeded to comment upon those parts of the constitution which appeared to him to convey the power in question, he hoped he should be allowed to disclaim, for his part, several sources whence others had deduced the authority. The gentleman from Virginia seemed to think it remarkable that the friends of the power should disagree so much among themselves; and to draw a conclusion against its existence from the fact of this discrepancy. But he (Mr. C.) could see nothing extraordinary in this diversity of views. What was more common than for different men to contemplate the same subject under various aspects? Such was the nature of the human mind, that enlightened men, perfectly upright in their intentions, differed in their opinions on almost every topic that could be mentioned. It was rather a presumption in favor of the cause which he was humbly maintaining, that the same result should be attained by so many various modes of reasoning. But, if contrariety of views might be pleaded with any effect against the advocates of the disputed power, it equally availed itself against their opponents. There was, for example, not a very exact coincidence in opinion between the President of the United States and the gentleman from Virginia. The President says, (page 25 of his book,) "the use of the existing road by the stage, mail-carrier, or post-boy, in passing over it, as others do, is all that would be thought of; the jurisdiction and soil remaining to the State, with a right in the State, or those authorized by its Legislature, to change the road at pleasure." Again, page 27, the President asks, "If the United States possessed the power contended for under this grant, might they not, in adopting the roads of the individual States, for the carriage of the mail, as has been done, assume jurisdiction over them, and preclude a right to interfere with or

alter them?" They both agree that the General Government does not possess the power. The gentleman from Virginia admits, if he (Mr. C.) understood him correctly, that the designation of a State road as a post-road, so far withdrew it from the jurisdiction of the State, that it could not be afterwards put down or closed by the State; and in this he claims for the General Government more power than the President concedes to it. The President, on the contrary, pronounces that "the absurdity of such a pretension" (that is, preventing, by the designation of a post-road, the power of the State from altering or changing it) "must be apparent to all who examine it." The gentleman thinks that the designation of a post road withdraws it entirely, so far as it is used for that purpose, from the power of the whole State; whilst the President thinks it absurd to assert that a mere county court may not defeat the execution of a law of the United States. The President thinks that under the power of appropriating the money of the United States, Congress may apply it to any object of internal improvement, provided it does not assume any territorial jurisdiction; and, in this respect, he claims for the General Government more power than the gentleman from Virginia assigns to it. And he (Mr. C.) must own that he so far coincided with the gentleman from Virginia. If the power can be traced to no more legitimate source than to that of appropriating the public treasure, he yielded the question.

The truth is, that there is no specific grant in the constitution of the power of appropriation; nor was any such requisite. It is a resulting power. The constitution vests in Congress the power of taxation, with but few limitations, to raise a public revenue. It then enumerates the powers of Congress. And it follows, of necessity, that Congress has the right to apply the money so raised to the execution of the powers so granted. The clause which concludes the enumeration of the granted powers, by authorizing the passage of all laws "necessary and proper" to effectuate them, comprehends the power of appropriation. And the framers of the constitution recognize it by the restriction that no money shall be drawn from the treasury but in virtue of a previous appropriation by law. It was to him wonderful how the President should have brought his mind to the conclusion that, under the power of appropriation, thus incidentally existing, a right could be set up, in its nature almost without limitation, to employ the public money. He combats with great success and much ability, any deduction of power from the clause relating to the general welfare. He shows that the effect of it would be to overturn, or render useless and nugatory, the careful enumeration of our powers; and that it would convert a cautiously limited Government into one without limitation. The same process of reasoning by which his mind was brought to this just conclusion, one would have thought, should have warned him against

JANUARY, 1824.]

Surveys for Roads and Canals.

[H. OF R.]

his claiming, under the power of appropriation, such a vast latitude of authority. He reasons strongly against the power, as claimed by us, harmless, and beneficent, and limited as it must be admitted to be, and yet he sets up a power boundless in its extent, unrestrained to the object of internal improvements, and comprehending the whole scope of human affairs. For, if the power exists, as he asserts it, what human restraint is there upon it? He does, indeed, say, that it cannot be exerted so as to interfere with the territorial jurisdiction of the States. But this is a restriction altogether gratuitous, flowing from the bounty of the President, and not found in the prescriptions of the constitution. If we have a right, indefinitely, to apply the money of the Government to internal improvements, or to any other object, what is to prevent the application of it to the purchase of the sovereignty itself, of a State, if a State were mean enough to sell its sovereignty; to the purchase of kingdoms, empires, the globe itself? With an almost unlimited power of taxation, and, after the revenue is raised, with a right to apply it under no other limitations than those which the President's caution has suggested, he could not see what other human power was needed. It had been said by Cæsar or Bonaparte, no doubt thought by both, that with soldiers enough they could get money enough, and with money enough they could command soldiers enough. According to the President's interpretation of the constitution, one of these great levers of public force and power is possessed by this Government. The President seems to contemplate, as fraught with much danger, the power, humbly as it is claimed, to effect the internal improvement of the country. And, in his attempt to overthrow it, sets up one of infinitely greater magnitude. The quantum of power which we claim over the subject of internal improvement is, it is true, of greater amount and force than that which results from the President's view of the constitution; but then it is limited to the object of internal improvements, whilst the power set up by the President has no such limitation, and in effect, as Mr. C. conceived, has no limitation whatever, but that of the ability of the people to bear taxation.

But, Mr. Chairman, if there be any part of this Union more likely than all others to be benefited by the adoption of the gentleman's principle, regulating the public expenditure, it is the West. There is a perpetual drain from that embarrassed and highly distressed portion of our country, of its circulating medium to the East. There, but few and inconsiderable expenditures of the public money take place. There we have none of those public works, no magnificent edifices, forts, armories, arsenals, dockyards, &c., which more or less are to be found in every Atlantic State. In at least seven States beyond the Alleghany, not one solitary public work of this Government is to be found.

If, by one of those awful and terrible dispensations of Providence, which sometimes occur, this Government should be unhappily annihilated, everywhere on the seaboard traces of its former existence would be found; whilst we should not have, in the West, a single monument remaining on which to pour out our affections and our regrets. Yet, sir, we do not complain. No portion of your population is more loyal to the Union, than the hardy free-men of the West. Nothing can weaken or eradicate their ardent desire for its lasting preservation. None are more prompt to vindicate the interests and rights of the nation from all foreign aggression. Need I remind you of the glorious scenes in which they participated, during the late war—a war in which they had no peculiar or direct interest, waged for no commerce, no seamen of theirs? But it was enough for them that it was a war demanded by the character and the honor of the nation. They did not stop to calculate its cost of blood, or of treasure. They flew to arms; they rushed down the valley of the Mississippi, with all the impetuosity of that noble river. They fought the enemy. They found him at the beach. They fought; they bled; they covered themselves and their country with immortal glory. They enthusiastically shared in all the transports occasioned by our victories, whether won on the ocean or on the land. They felt, with the keenest distress, whatever disaster befell us. No, sir, I repeat it, neglect, injury itself, cannot alienate the affections of the West from this Government. They cling to it as to their best, their greatest, their last hope. You may impoverish them, reduce them to ruin, by the mistakes of your policy, and you cannot drive them from you. They do not complain of the expenditure of the public money, where the public exigencies require its disbursement. But, I put it to your candor, if you ought not, by a generous and national policy, to mitigate, if not prevent, the evils resulting from the perpetual transfer of the circulating medium of the West to the East. One million and a half of dollars annually is transferred for the public lands alone; and almost every dollar goes, like him who goes to death—to a bourne from which no traveller returns. In ten years it will amount to fifteen millions; in twenty to —; but I will not pursue the appalling results of arithmetic. Gentlemen who believe that these vast sums are supplied by emigrants from the East, labor under great error. There was a time when the tide of emigration from the East bore along with it the means to effect the purchase of the public domain. But that tide has, in a great measure, now stopped. And as population advances farther and farther West, it will entirely cease. The greatest migrating States in the Union, at this time, are Kentucky first, Ohio next, and Tennessee. The emigrants from those States carry with them, to the States and Territories lying beyond them, the circulating medium, which, being invested in the purchase

of the public land, is transmitted to the points where the wants of Government require it. If this debilitating and exhausting process were inevitable, it must be borne with manly fortitude. But we think that a fit exertion of the powers of this Government would mitigate the evil. We believe that the Government incontestably possesses the constitutional power to execute such internal improvements as are called for by the good of the whole. And we appeal to your equity, to your parental regard, to your enlightened policy, to perform the high and beneficial trust thus sacredly reposed. I am sensible of the delicacy of the topic to which I have reluctantly adverted, in consequence of the observations of the honorable gentleman from Virginia. And I hope there will be no misconception of my motives in dwelling upon it. A wise and considerate Government should anticipate and prevent, rather than wait for the operation of causes of discontent.

Let me ask, Mr. Chairman, what has this Government done on the great subject of Internal Improvements, after so many years of its existence, and with such an inviting field before it? You have made the Cumberland road only. Gentlemen appear to have considered that a Western road. They ought to recollect that not one stone has yet been broken, not one spade of earth has been yet removed in any Western State. The road begins in Maryland and it terminates at Wheeling. It passes through the States of Maryland, Pennsylvania, and Virginia. All the direct benefit of the expenditure of the public money on that road, has accrued to those three States. Not one cent in any Western State. And yet we have had to beg, entreat, supplicate you, session after session, to grant the necessary appropriations to complete the road. I have myself toiled until my powers have been exhausted and prostrated, to prevail on you to make the grant. We were actuated to make these exertions for the sake of the collateral benefit only to the West; that we might have a way by which we should be able to continue and maintain an affectionate intercourse with our friends and brethren—that we might have a way to reach the Capitol of our country, and to bring our counsils, humble as they may be, to consult and mingle with yours in the advancement of the national prosperity. Yes, sir, the Cumberland road has only reached the margin of a Western State; and, from some indications which have been given during this session, I should apprehend it would there pause for ever, if my confidence in you were not unbounded; if I had not before witnessed that appeals were never unsuccessful to your justice, to your magnanimity, to your fraternal affection.

But, sir, the bill on your table is no Western bill. It is emphatically a national bill, comprehending all, looking to the interests of the whole. The people of the West never thought of, never desired, never asked, for a system exclusively for their benefit. The system con-

templated by this bill looks to great national objects, and proposes the ultimate application to their accomplishment of the only means by which they can be effected, the means of the nation—means which, if they be withheld from such objects, the Union, I do most solemnly believe, of these now happy and promising States, may at some distant (I trust a far, far distant) day, be endangered and shaken at its centre.

When Mr. CLAY had concluded—

The question was taken on striking out the enacting clause in the bill, and decided in the negative—ayes 74, noes 109.

Mr. HEMPHILL moved to fill the blank for appropriation with the sum of thirty thousand dollars, which was carried—ayes 105.

The committee then rose, and reported the bill with the amendment, and, on the question of its engrossment for a third reading, the yeas and nays were called, on motion of Mr. MEX-
COKER, and are as follows:

YEAS.—Messrs. Abbot, Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Baylies, J. S. Barbour, Bartlett, Bartley, Beecher, Blair, Brock, Brown, Buchanan, Buckner, Campbell of Ohio, Carter, Cassedy, Condict, Cook, Crowninshield, Cashman, Cuthbert, Durfee, Dwight, Eddy, Ellis, Farrelly, Forsyth, Forward, Fuller, Garrison, Gazlay, Govan, Gurley, Harris, Hayward, Hemphill, Henry, Hottelmer, Holcombe, Houston, Ingham, Isaacs, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kremer, Lawrence, Lee, Letcher, Little, Livingston, McArthur, McDuffie, McKean, McKee, McKim, McLane of Delaware, McLean of Ohio, Martindale, Marvin, Matlack, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Neale, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reynolds, Rich, Rogers, Ross, Saunders, Sandford, Scott, Sloane, William Smith, Spence, Standefer, J. Stephenson, Stewart, Storrs, Strong, Swan, Test, Thompson of Kentucky, Tod, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Wayne, Webster, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, and Wright—114.

NAYS.—Messrs. Alexander of Virginia, Allen of Massachusetts, Archer, Ball, Barber of Connecticut, P. P. Barbour, Bassett, Bradley, Buck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Cocke, Collins, Conner, Crafts, Craig, Culpeper, Day, Dwinell, Eaton, Edwards of North Carolina, Floyd, Foot of Connecticut, Foot of New York, Frost, Gatlin, Gist, Hall, Harvey, Hayden, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Kidder, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Long, Longfellow, McCoy, Mangum, Mallory, Matson, Morgan, Plumer of New Hampshire, Randolph, Reed, Richards, Sharpe, Sibley, Arthur Smith, Alex. Smyth, Spaight, Sterling, A. Stevenson, Stoddard, Taylor, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Tucker of Virginia, Tucker of South Carolina, Tyson, Van Rensselaer, Van Wyck, Whipple, Whitman, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, Wood, and Woods—82.

JANUARY, 1824.]

Monument to Washington.

[H. OF R.]

To-morrow was then assigned for the third reading of the bill.

The following is a copy of the bill as it passed the House :

A Bill to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals.

Be it enacted, &c., That the President of the United States is hereby authorized to cause the necessary surveys, plans, and estimates, to be made, of the routes of such roads and canals as he may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the public mail, designating, in the case of each canal, what parts may be made capable of sloop navigation; the surveys, plans, and estimates for each, when completed, to be laid before Congress.

And be it further enacted, That, to carry into effect the objects of this act, the President be, and he is hereby, authorized to employ two or more skillful civil engineers, and such officers of the corps of engineers, or who may be detailed to do duty with that corps, as he may think proper; and the sum of thirty thousand dollars be, and the same is hereby appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated.

THURSDAY, January 15.

Monument to Washington.

Mr. BUCHANAN presented the following resolution:

Resolved, That a committee be appointed, whose duty it shall be to inquire in what manner the resolutions of Congress, passed on the 24th December, 1799, relative to the erection of a marble monument in the Capitol, at the City of Washington, to commemorate the great events of the military and political life of General Washington, may be best accomplished, and that they have leave to report by bill or otherwise.

Mr. BUCHANAN said, the House would, he trusted, excuse him for making a few observations in explanation of the motives which had impelled him to offer the resolution now under consideration. On the 24th December, 1799, the Congress of the United States resolved, "That a marble monument be erected by the United States, in the Capitol at the city of Washington, and that the family of General Washington be requested to permit his body to be deposited under it; and that the monument be so designed as to commemorate the great events of his military and political life." They also resolved, "That the President of the United States be requested to direct a copy of these resolutions to be transmitted to Mrs. Washington, assuring her of the profound respect Congress will ever bear to her person and character; of their condolence on the late afflicting dispensations of Providence; and entreating her assent to the interment of the remains of General George Washington in the manner expressed in the first resolution." The then President of the United States transmitted these resolutions to Mrs. Washington, who, on the 31st December, 1799, returned an answer, which I will take leave to read to the House:

MOUNT VERNON, Dec. 31, 1799.

SIR: While I feel with keenest anguish, the late dispensation of Divine Providence, I cannot be insensible to the mournful tributes of respect and veneration which are paid to the memory of my dear deceased husband; and, as his best services and most anxious wishes were always devoted to the welfare and happiness of his country, to know that they were truly appreciated, and gratefully remembered, affords no inconsiderable consolation.

Taught by that great example which I have so long had before me, never to oppose my private wishes to the public will, I must consent to the request made by Congress, which you have had the goodness to transmit to me; and in doing this I need not, I cannot say what a sacrifice of individual feeling I make to a sense of public duty.

With grateful acknowledgments, and unfeigned thanks for the personal respect, and evidences of condolence, expressed by Congress, and yourself,

I remain very respectfully,

Sir, your most obed't humble servant,

MARTHA WASHINGTON.

During the same session of Congress, a bill passed the House of Representatives for erecting a mausoleum for George Washington in the city of Washington. It was postponed in the Senate until the next session. Several attempts have since been made in Congress to redeem the plighted faith of the nation, but they have all proved unavailing. The man who was emphatically first in war, first in peace, and first in the hearts of his countrymen, has been sleeping with his fathers for almost a quarter of a century, and his mortal remains have yet been unhonored by that people, who, with justice, call him the father of their country.

It is difficult to determine, whether this neglect be more impolitic or ungrateful. Every wise nation has paid honors to the memory of the men who have been the saviours of their country. Sculpture and painting have vied with each other, in transmitting their images and the memory of their deeds to the remotest generations. By these means, the holy fire of virtuous emulation has been kindled in the bosoms of the youth of succeeding ages.

Our country has produced a General, whose prudence and perseverance, whose courage and military skill, conquered our independence, against fearful odds, from the most powerful nation on earth; and what is still more wonderful, was never intoxicated by the illusions of military glory. Our country has given birth to a statesman, who was chiefly instrumental in converting the chaos of the old Confederation into the most perfect fabric of human wisdom—the Federal Constitution; and whose conduct, as President of the United States, was characterized by such wisdom and virtue, that, after the strictest examination, it is now admitted to be the most proper guide to direct us in the path which leads to the nation's prosperity and glory. In short, our country has produced a WASHINGTON; he has been dead for four and twenty years, and we have erected no monu-

ment on which to record his virtues, and our gratitude.

Mr. B. said that Congress, by neglecting, for so long a period, to accomplish the object of the resolutions, had been subjected to the imputation of perfidy, as well as ingratitude. We made a solemn promise to the widowed partner of Washington, and to the people of the United States, by a legislative act, that we would erect a monument to his memory. That distinguished lady has long slumbered with him in the grave, and this pledge has never yet been redeemed. Although his mortal remains have, at our request, and by her consent, become the property of the public, yet they still lie neglected. Indeed, I have been credibly informed, that an attempt has been made to steal them away from his country, which had almost proved successful.

Do we, Mr. Speaker, consider it a matter of necessity, in all respects, to preserve the public faith inviolate? And shall we prove faithless only in what concerns the memory of Washington? The danger of the precedent, the argument so often repeated in this House, against the adoption of measures, will, in this case, be unavailing. The long list of ages which preceded the birth of Washington, had never presented a human character so perfect; and there is but a bare possibility that future generations will produce his equal.

Mr. B. hoped the resolution would pass unanimously.

Mr. CARY, of Georgia, arose and said, that, before the question was taken on the resolution, he would ask leave to occupy the attention of the House for a few moments, while he gave expression to what he believed were the just sentiments and feelings of an American on the subject it contemplated. The resolution directs a committee of this House to report, by bill, or otherwise, on the propriety of erecting a monument, or mausoleum, to the memory of WASHINGTON. He had listened with attention to the ingenious and unimpassioned address of the mover of the resolution, in which he had endeavored to prove that it was a duty of justice and of gratitude in this nation, to give such an expression of what it feels itself to owe to the memory of its illustrious benefactor; but he dissented from that honorable gentleman in the opinion he had expressed, and it was the purpose of his present address to vindicate to that gentleman and to the House the dissent he had now expressed; in doing this, he would empty his mind of the sentiments he held on this subject. The gentleman had very truly said that it had long been the practice of nations to express their veneration for the memory of illustrious men, by erecting splendid monuments over their ashes. But, he would ask, in what spirit, and at what period, did that practice originate? It was before the lights of reason had penetrated the darkness of society, and the deposits of history had taught mankind the true mode of commemorating and eternizing

the deeds of illustrious men; it had had its beginning in successful conquest, when some military chieftain first plunged his sword into a nation's bosom, and then lavished its wealth in monuments to perpetuate his name; it was a principle of vanity which had given existence to the practice. We were, to be sure, and had long been, in the habit of going for precedents to Greece and Rome, and that classic enthusiasm which animates every scholar, that consecrated reverence which he must ever feel for the labors and achievements of departed genius, deludes our judgment, and would persuade us to bring the associations derived from the venerable remains of ancient sculpture, to times of a wholly different character, and a country in wholly different circumstances. The Government of this Union was entirely and widely different from those of the old world; it had a different origin; it was a phoenix-like Government, which sprung from the ashes of all the corruptions of those which had preceded it; and as the Government itself was new among men, those who had achieved its establishment should be commemorated in a new style. We need, Mr. Speaker, (said Mr. C.), no monuments to tell us that WASHINGTON has lived; he has a monument, he will continue to have one, in the heart of every American; such a monument as none before him ever had; and let it be our peculiar pride to enshrine him there alone. Yes, sir, we will keep WASHINGTON's monument in our bosoms. We will commit it to no perishable stone; his name shall have a purer, a more enduring memorial. Sir, my heart beats as ardently and fires as high as that of any of my countrymen on this subject; but I would erect no tomb. Suppose we build one, and determine its place to be here in this Capitol, will it be seen by the nation? No, it will only be visible to the favored few who are drawn to this spot by their public functions, who visit it on a jaunt of pleasure, or attend it on concerns of private business. But WASHINGTON has a monument already, far greater than you can build; his memorial is every where; from Maine to Louisiana; from the ocean to the mountains; and wherever, in their widely-spreading emigrations, the people of this Confederacy shall direct their steps, WASHINGTON travels with them, and they will continue to bear on his living monument till they have fixed it on the farthest shores of our continent.

Mr. BUCHANAN observed, in reply, that when he brought forward the resolution he had the honor to present to the House, he did not suppose that any gentleman would feel it to be his duty to oppose its adoption. He differed wholly from the honorable gentleman from Georgia. That gentleman maintained that it was not proper for a Republic, by monumental marble, to excite its citizens to virtuous deeds by publicly honoring the memory of those who had been the benefactors of their country. He, on the contrary, thought that in the case of Republics there was in the practice peculiar and

JANUARY, 1824.]

The Greek Cause.

[H. or R.]

special propriety. Such monuments had, in all ages and countries, exerted a powerful effect in inciting men to patriotic virtue; our Government rests, its very foundations are laid, on that virtue; and it therefore seemed in a very peculiar manner adapted to the circumstances of this Republic. It was, too, a practice which had been already sanctioned by the example of some of the most respectable States in the Union. But it was now too late to talk about the policy of the measure. Is not, asked Mr. B., the faith of the nation pledged? Has not the measure been publicly resolved upon by both Houses of Congress? Has it not received the sanction of the President of the United States? Is the country to promise to-day, and violate its promise to-morrow? The faith of the Government, pledged twenty-five years since, to the family of the deceased, and to the American people, has never, to this day, been redeemed. Shall we hold all our contracts inviolable but this? As to the precedent, that question has already been settled; the pledge has been given. And were gentlemen alarmed at the danger of such a precedent? They might calm their apprehensions; there was not the remotest danger of such another case recurring. The world, in its long course of days, had never beheld such a man before; and, in all the march of time, there was little probability of the world's ever seeing such another; and for himself, Mr. B. said, he felt so deeply the obligation to redeem the pledged promise of the nation, that, though little accustomed to make such requests, he must ask that the yeas and nays might be recorded.

Mr. TRIMBLE said that he did not rise for the purpose of pronouncing WASHINGTON's eulogium; that was a theme to which none was competent but the equal of WASHINGTON; and such a man was no where to be found. But he had risen to disabuse this nation from the charge of ingratitude to the memory of its benefactor. On what proof had so grievous a charge been founded? On the fact that no national monument of marble had yet been erected to his memory to inspire us (if he understood the gentleman from Pennsylvania) with sentiments of public virtue. Our patriotism must be cold indeed, if it could only be inspired by the coldness of a marble monument. God forbid that he should advance an opinion that such a monument ought not to be erected. But he would ask, if it had been erected fifteen or twenty years ago, and fixed within the walls of this Capitol, where would it have been, or what would have become of it, when this building was wrapped in flames? It would have fallen into the unhallowed hand of a barbarous enemy, who would have mutilated, or carried it off. The only charge of ingratitude that could then have been urged, would have been, that the nation neglected to defend the Capitol; that, instead of fourteen thousand retreating from a handful of the invaders, they did not fight till only fourteen were left alive. When they had done this, they

might erect a splendid monument. But when the Capitol, that is now going on in building, shall first be completed, and the monument itself shall have first been procured, it would be time enough to pass resolutions for fixing it in the Capitol. In the meanwhile, WASHINGTON has a monument in every place where there are Americans, where there are men; two worlds had joined to celebrate his actions; two hemispheres were filled with his name; and the globe itself might be pronounced his best and only fit mausoleum.

The resolution was then, on motion of Mr. GAZLAY, of Ohio, ordered to lie on the table, by a vote of 97 to 67.

MONDAY, January 19.

The Greek Cause.

The House then went into Committee of the Whole, Mr. TAYLOR in the Chair, on the resolution some time since offered by Mr. WEBSTER, which is in the words following:

"Resolved, That provision ought to be made by law for defraying the expense incident to the appointment of an Agent or Commissioner to Greece, whenever the President shall deem it expedient to make such appointment."

The resolution having been read—

Mr. WEBSTER rose, and said, that he was afraid that, so far as his part was concerned, the excited expectations of the public mind, on the present occasion, would be disappointed. It was difficult on any occasion that called the attention to a spot on the globe connected with such associations and recollections as Greece, to avoid some degree of warmth and enthusiasm. Yet, he was entirely sensible that, in gravely legislating on the present subject, those feelings must be chastised. He should endeavor, in what he had to offer to the House, to repress such feelings as far as it was practicable; yet, if we would wholly escape from them, we must fly beyond the limits of the civilized world; we must go beyond the limits of social order, the bounds where laws and knowledge are found; nay, we must leave this Hall, before we can turn away from the memorials of ancient Greece. What, he asked, is this popular assembly? what this free discussion of public measures? what this open, unreserved action of mind upon mind? what that popular eloquence which, if it were now present, would, on such a theme, shake this Hall to its centre? what are these but such memorials? This magnificent edifice, these columns, with their stately proportions, this fine architecture by which we are surrounded, what are these but so many witnesses of what Greece once was, and what she has taught us to be? Yet, sir, said Mr. W., I have not introduced the resolution, now on your table, with any view towards repaying aught of the debt which we, in common with the civilized world, owe to that land of science, freedom, arts, and arms. It is a debt that never can be

paid. Whatever may be our feelings of gratitude for these gifts, we are constrained to act with a view alone to the present state of the world, and of our relations to it. What I propose, and what I shall say, has reference to modern, not to ancient Greece—to the living, not to the dead.

I am aware, sir, that it is a very easy thing to run over commonplaces on the subject of this resolution; to call it a visionary and Quixotic measure, and to urge the good old maxim of its being the soundest policy for each one to take care of his own concerns. That maxim, sir, is very true, but very inapplicable to the present occasion. The question which is now to be discussed is the American question in relation to this affair—What is it best for us to do in the present aspect of things respecting Greece? And surely, sir, this is a question that comprehends something more than a mere pecuniary calculation. Whenever my mind turns to that question, I cannot forget the age I live in, as well as the peculiar position of our own country.

At the commencement of the present session of Congress, Mr. W. said, the President of the United States, in the discharge of the high duties of his station, deemed it incumbent upon him to introduce the subject to the consideration of the National Legislature; and, in his communication, he had expressed an opinion that there was reason to hope that the Greeks would be successful in the present struggle with their oppressors, and that the power that has so long crushed them had lost its dominion over them forever. The same communication contained other matters of great importance, in relation to a rumored combination of foreign Sovereigns to interfere in the concerns of South America. Under these circumstances, said Mr. W., I thought it was proper and becoming that that communication should receive a response from this House. I am aware that the practice of a general answer from the Legislature to the annual Message or Speech of the President, has, for more than twenty years past, been disused; nor do I complain of such disuse; but I am also of opinion that the practice was not without its positive advantages. It is my conviction, that, in any Government, which contains a popular branch, it is the duty of that popular portion of the Government as much to express its opinions, as to pass the necessary laws. I introduce the present resolution, under this conviction, as well as that I might have an opportunity to give my vote, directly, on one of the subjects adverted to by the Executive; and I still think that if it was proper in the President to advert to these subjects, it is equally proper in us to take notice of what he has addressed to us respecting them.

Mr. W. said, he should endeavor, however, to avoid the responsibility of any effort to change the policy of this Government towards foreign nations. He approved of the policy at present pursued; he was satisfied, in this re-

spect, with our present condition. The policy of this Government is peace, for peace is to us the greatest source of national increase and aggrandizement. The most sanguine projector cannot furnish more brilliant or exalted prospects than those which must be realized by these States if they can preserve their pacific relations towards the rest of the world. Time, peace, industry, and the arts, are raising this Government by a certain and irresistible progress. It is our true policy, Mr. W. said, to grow, not to acquire; we are to attain to greatness by internal development, not by external accretion—and he should be the last to turn aside the wise policy of the country from its wonted and proper channel. But, said he, that policy, while it is pacific, should at the same time be liberal; he spoke now in relation to those great questions which are at this hour agitating Europe and the world—questions which are concerned wherever a nation attempts to obtain its freedom—the question, in a word, between regulated and unregulated power. Wherever it is disputed, whether a nation shall or shall not possess a constitution, our side of that question ought to be known and declared; we are bound to bring, in aid of its decision, that moral force which must ever reside in the opinion of a free and intelligent nation. He had said that the policy of this Government, was a pacific, but a liberal policy; he should endeavor to show that in both of these characters it sanctioned the adoption of the resolution now on the table.

The age, said he, is a peculiar one—it has a marked and striking character, and the position and circumstances of our country are no less so. Had we enjoyed the option, in which period of the world's history, as thus far disclosed, our personal lot should be cast, none of us, surely, would wish to have been born in any other time, or in any other country. There has occurred no age that may be compared with the present, whether in the interest excited by what now is, or the prospects it holds out as to what shall be. The attitude of the United States, meanwhile, is solemn and impressive. Ours is now the great Republic of the earth; its free institutions are matured by the experiment of half a century; nay, as a free Government, it goes farther back—the benefits of a free constitution have virtually been enjoyed here for two centuries. As a free Government, as the freest Government, its growth and strength compel it, willing or unwilling, to stand forth to the contemplation of the world. We cannot obscure ourselves, if we would; a part we must take, honorable or dishonorable, in all that is done in the civilized world. Now, it will not be denied, that, within the last ten years, there has been agitated, in that world, a question of vast moment—a question pregnant with consequences favorable or unfavorable to the prevalence, nay, to the very existence, of civil liberty. It is a question which comes home to us. It calls on us for the expression

JANUARY, 1824.]

The Greek Cause.

[H. OF R.]

of our opinion on the great question now before us. Assuredly, if there is any general tendency in the minds and affairs of men, which may be said to characterize the present age, it is the tendency to limited Governments. The enlightened part of mankind have very distinctly evinced a desire to take a share, at least, in the government of themselves. The men of this age will not be satisfied even with kind masters. They have shown, (except where force has been interposed to crush them,) that they will not be content without a participation in the Government. This is so strongly marked a feature in the social condition of this age, that it can have escaped the observation of none to whom I address myself. It cannot be denied that while this is the prevailing spirit, there is an antagonist principle also at work. This, sir, said Mr. W., is a state of things in which we, as a nation, have, we must have, an interest. The doctrines advanced (and which are promptly supported by a great force) go to prostrate the liberties of the entire civilized world, whether existing under an absolute, a monarchical, or a republican form of government. They are doctrines which have been conceived with great sagacity, they are pursued with unbroken perseverance, and they bring to their support a million and a half of bayonets.

And here, said Mr. W., let me not be misunderstood; I am not about to declaim against crowned heads, nor enter on a tirade against other forms of government, but I ask that the declaration of the Congress of European Sovereigns, which is promulgated as that which is to form a part of the public law of civilized Europe, may be subjected to a close examination.

The entire overthrow of the late French Emperor, left the European world in a state of very strong excitement. In September, 1815, the sovereigns, who had, by their united exertions, succeeded in putting down the French power, entered into, and published to the world, an instrument of agreement, which has since been familiarly known by the title of the "Holy Alliance." This paper, which appeared immediately on the restoration of the Bourbons, had its origin with the Cabinet of Russia. Its appearance excited, at first, but little comparative interest. It was regarded as little more than a devout expression of gratitude for the success which had attended their united exertions in bringing the long war of Europe to a conclusion. It professed to be nothing more than a declaration, that the sovereigns, who joined in it, would, in future, conduct their respective Governments on principles of the public good, and with a sacred regard to the Christian religion. Such a combination was certainly novel. Nothing like it had ever before been published by kings. Yet, under the view of it which he had just expressed, it attracted no very great share of attention. On the face of it, there seemed nothing to object to. All that was

strange about the transaction was, that monarchs, who professed Christianity and civilization, should stipulate to do what, without any such stipulation, it was their acknowledged duty to do; the contract bound them to nothing to which they were not morally bound already. What was the amount of the contract? That they would not violate Christianity, nor disturb the peace of Europe. At best, such a contract was supererogatory. It was remarkable, that a celebrated writer on treaties, when defining what a treaty is, supposed, as possible, such a case as has occurred, and certainly spoke very disrespectfully of such a treaty as the Holy Alliance actually was. His words Mr. W. quoted as follows:

"It seems useless to frame any pacts or leagues barely for the defence and support of universal peace, for, by such a league nothing is superadded to the obligation of natural law, and no agreement is made for the performance of any thing, which the parties were not previously bound to perform, nor is the original obligation rendered firmer or stronger by such an addition. Men of any tolerable culture and civilization, might well be ashamed of entering into any such compact, the conditions of which imply only that the parties concerned shall not offend in any clear point of duty. Beside, we should be guilty of great irreverence towards God, should we suppose that his injunctions had not already laid a sufficient obligation upon us to act justly, unless we ourselves voluntarily consented to the same engagement; as if our obligation to obey his will, depended upon our own pleasure.

"If one engage to serve another, he doth not set it down expressly and particularly among the terms and conditions of the bargain, that he will not betray nor murder him, nor pillage nor burn his house. For the same reason, that would be a dishonorable engagement, in which men should bind themselves to act properly and decently, and not break the peace."—*Puffendorf*.

Such were the sentiments of this eminent writer. How nearly he had anticipated the case of the Holy Alliance, Mr. W. said, would appear from comparing with what he then wrote, the preamble to that alliance, which Mr. W. read, in the following words:

"In the name of the most Holy and Indivisible Trinity, their Majesties, the Emperor of Austria, the King of Prussia, and the Emperor of Russia,—solemnly declare, that the present act has no other object than to publish, in the face of the whole world, their fixed resolution, both in the administration of their respective States, and in their political relations with every other Government, to take for their sole guide the precepts of that holy religion, namely, the precepts of justice, Christian charity, and peace, which, far from being applicable only to private concerns, must have an immediate influence on the councils of princes, and guide all their steps, as being the only means of consolidating human institutions, and remedying their imperfections."

This measure, Mr. W. went on to say, was no otherwise important than that it was the first of a series, and that it was followed up by measures of the most important kind. In this

point of view, it was worthy of the most mature consideration. It contained two principles, which were now declared to form a part of the law of the world, the enforcement of which was threatened by a million and a half of bayonets. The first of these is, that all constitutional rights come from the Crown. "All useful and necessary changes (says the Laybach Circular, of May, 1821) ought only to emanate from the free will and intelligent conviction of those whom God has rendered responsible for power." This principle, Mr. W. said, carried Europe back at one remove, to the middle of the dark ages. This was the form under which our sturdy ancestors obtained *Magna Charta*, which was given as a concession from the sovereign. But, in a later age, in the revolution which introduced the family of Orange, the British nation had grown wiser—those things which at Runnymede were given as grants by the Bill of Rights, were afterwards formally and explicitly demanded and insisted on, as rights of the nation. They had been assented to as such, and on this basis the English constitution rests at this hour. For this reason it was, that Britain, when she refused to unite in the principles of the Holy Alliance, declared those principles to be subversive of the principles of the English constitution.

What, said Mr. W., is the nature of that alliance? Alliances between nations for the purpose of mutual advantage or defence, had been often heard of, but an alliance such as that at Laybach had never dared to be declared to the world. Was this an alliance of nation with nation? No, Mr. W. said, it was an alliance of crowns against the people; of sovereigns against their own subjects; it was, in a word, the union of the physical force of all Governments against the rights of the people in all countries. What was the natural tendency of such an alliance? It was to put an end to all nations, as such. Extend the principles of that alliance, and the nations are no more—there are only kings. It divided society horizontally, (if such a figure was allowed to him,) and left all the sovereigns above, and all the people below; it set up the one above all rule or restraint, and put down the other to be trampled beneath their feet. Not satisfied with demanding from the subject allegiance to his own master, it exacted a double, a triple, a quadruple, and he believed, indeed, a quintuple allegiance. According to its principle, all people owe allegiance to all sovereigns. What must be, what has been, the practical operation of such principles? They lead, necessarily, to mutual distrust, to general discontent, and to universal war. This alliance, Mr. W. said, had changed the leading policy of Europe. It had made it criminal for the people to combine, or to resist the will of either of these sovereigns. If, for example, a Spaniard attempted to resist the Inquisition, he offended not only the King of Spain, but he sinned also against the Emperor of Russia. Or, if a Greek attempted to resist the Turkish

scimitar, he, too, offended the Emperor of Russia. To use the words of the Verona circular, such a man "throws a firebrand into the midst of the Ottoman Empire."

At the Congress of Troppau, said Mr. W., we find the second of the doctrines to which I before alluded, as now published to the world, to be its law. The Declaration of Troppau says, "The powers have an undoubted right to take a hostile attitude in regard to those States in which an overthrow of the Government may operate as an example." This right, between States whose juxtaposition renders them mutually exposed to the consequences of what takes place in either, is a part of what is called the law of vicinage; and, when confined to extreme cases, may, to a certain extent, be defended upon principles of necessity, and national defence and preservation. On this principle, the war of England against France, when the latter was in a state of revolution, was undertaken, and this is the ground on which it was defended on the floor of Parliament. But to maintain that every sovereign in Europe may go to war to repress an example, Mr. W. said was monstrous indeed! What was to be the limit to such a principle, or to the practice growing out of it? If this principle is allowed, what, said Mr. W., becomes of our example? Why are we not as legitimate objects for the operation of the principle as any who attempt to set a republican example on the other side of the Atlantic? We certainly did not subscribe to this principle in the days of the Revolution. We did think that when oppressed we might lawfully resist oppression; and I trust we are not so sick of our liberty and its effects, as to be unwilling, by our example, and by the most public expression of our opinion, to recommend to others the same doctrine.

Here, then, continued Mr. W., is a combination which is expressly pledged against all who set such an example—a manifesto which sets itself against the whole course of the human intellect—against the character of the age, and which would bring us back at once to all the oppression of the feudal system. Here is doctrine which no writer, no diplomatist, which even no courtier ever thought of advancing. Sir, said Mr. W., it is a flagrant innovation on the principles and practice of the whole civilized world. I hope, said he, I shall not be considered as exaggerating the case. To convince this House that I state nothing but the sober truth,—that I draw no inference that the sovereigns themselves have not drawn before me—permit me to refer to an occurrence that took place at the Congress of Verona. In a speech made at that Congress by the French Minister, Chateaubriand, he declared that, in a personal conversation with the Emperor of Russia, he had heard that august sovereign utter sentiments which appeared to him so precious, that he immediately hastened home, and wrote them down, while they were yet fresh in his recollection. The Emperor declared—

JANUARY, 1824.]

The Greek Cause.

[H. OF R.]

"That there can no longer be such a thing as an English, French, Russian, Prussian, or Austrian policy; there is henceforth but one policy, which, for the safety of all, should be adopted both by people and kings. It was for me first to show myself convinced of the principles on which I founded the alliance. An occasion offered itself—the rising in Greece. Nothing, certainly, occurred more for my interests, for the interests of my people—nothing more acceptable to my country, than a religious war with Turkey; but I have thought I perceived in the troubles of the Morea the sign of revolution, and I have held back. Providence has not put under my command 800,000 soldiers to satisfy my ambition, but to protect religion, morality, and justice, and to secure the prevalence of those principles of order on which human society rests. It may well be permitted that kings should have public alliances to defend themselves against secret enemies."

This may be so; but, I trust in God, though there should be no French, or Russian, or Prussian, or Austrian, or English policy, (though this latter I never will believe,) there will at least be an American policy. The end and scope of this doctrine is neither more nor less than this: to interfere, by force, for any Government against any people who resist it. The times of the Stuarts have come back again, and with increased demands of power. Be the state of a people what it may, they shall not rise—be the Government what it will, it shall in no case be resisted. And this has been carried out, too. Look at Spain—look at Greece. If a man may not resist, either the Spanish Inquisition or the Turkish scimitar, what, in God's name, may he resist? Stronger cases can never arise. This alliance laughs at the doctrine of your Blackstones, and all others who maintain that, in extreme cases, resort is to be had to first principles and natural rights. Are we prepared to part with that doctrine? The doctrine is advanced—it is supported with an immense force. The timid shrink and succumb. If it is not resisted here, and in one other spot, it will be resisted nowhere. If there is no vigor in the Saxon race to withstand it, there is none to be looked for elsewhere. Is it not time to step forth, and at least declare that we condemn and deny such monstrous opinions? How can reformation of Government ever begin but with the people? The radical defect of this system is, that it divides civilization—it would allow it to go on in all other matters, but not in principles of Government and civil liberty. But human knowledge is all connected—that knowledge is fast spreading—the great mass of society which holds, and ever must hold, the physical, is fast obtaining the intellectual power of society. The harmony which has ever prevailed, either in Europe or America, has rested on the principle of the mutual independence of nations. There have, indeed, been some instances of the violation of this principle, as in the case of Poland; but on the great scale nations have hitherto been viewed as independent sovereignties—civilization and Christianity have united

to establish among them international law, and from this blended influence has sprung that delightful spectacle, so truly described by a poet, the unseen, but not unfelt influence of law:

"And sovereign *Law*, the world's collected will,
O'er thrones and globes elate,
Sits Empress—crowning good, repressing ill:
Smit by her sacred frown,
The fiend, Discretion, like a vapor, sinks,
And e'en the all-dazzling Crown
Hides his faint rays, and at her bidding shrinks."

Take this away, and there is nothing left but the sword. The law of nations declares that all States are equal—these papers deny it. The law of nations maintains that, in extreme cases, resistance is lawful—these papers deny it. The law of nations proclaims that one nation has no right to interfere in the affairs of another—these papers deny it.

But now, it may be asked, what is all that to us? The question is easily answered. We are one of the nations. Our system of Government is, throughout, utterly hostile to that system, and if we are safe from its effects, we may thank our situation or our courage. The age we live in, and our own active character, have connected us with all the nations of the world, and we, as a nation, have precisely the same interest in international law as a private individual has in the laws of his country.

But, apart from the soundness of the policy, on general principles there is a ground of duty in this matter. What do we not, as a people, owe to the principle of lawful resistance? to the principle that society shall govern itself? These principles have raised us to a state of prosperity, in which our course is rapid and irresistible. We are borne on as by a mighty current, and if we would stop long enough to take an observation, that we may measure our national course, before we can effect it, we find we have already moved a vast distance from the point at which it was commenced. This course we cannot check; it is the course of things, and it will go on. Shall we not, thus situated, give to others who are struggling for these very principles, the cheering aid of our example and opinion?

But, whatever we do in this matter, it behooves us to do on principle. If, on the subject of the rumored combination against South America, we take any stand, it must be on principle that that stand is taken. The near approach, or the remote distance, of danger, may change policy, but cannot touch principle; and the same reasons of an abstract kind, that would lead us to protest in the case of the whole Southern Continent, bind us to protest in the case of the smallest Republic in Italy.

A second question, however, may here be asked. What can we do? This thunder is at a distance—the wide Atlantic rolls between—we are safe: would you have us go to war? Would you have us send armies into Europe? No: I would not. But this reasoning mistakes the age. Formerly, indeed, there was no

H. OF R.]

The Greek Cause.

[JANUARY, 1834.]

making an impression on a nation but by bayonets, and subsidies, by fleets and armies: but the age has undergone a change: there is a force in public opinion which, in the long run, will outweigh all the physical force that can be brought to oppose it. Until public opinion is subdued, the greatest enemy of tyranny is not yet dead. What is the soul, the informing spirit of our institutions, of our entire system of government? Public opinion. While this acts with intensity, and moves in the right direction, the country must ever be safe—let us direct the force, the vast moral force of this engine, to the aid of others. Public opinion is the great enemy of the Holy Alliance. It may be said that public opinion did not succeed in Spain. Public opinion was never thoroughly changed there; but does any man suppose that Spain is not at this day nearer, not merely in point of time, but intellectually and politically, nearer to freedom than she was last spring? True, indeed, the Bourbon power did make an almost unresisted march from the Pyrenees to Cadiz, but is Europe satisfied? Public opinion is neither conciliated nor destroyed—like Milton's angels, it is vital in every part—and this followed back the Conqueror as he returned, and held Europe in indignant silence. Let us, then, speak: let us speak well of what has done well for us. We shall have the thinking world all with us—and, be it remembered, it was a thinking community that achieved our Revolution before a battle had been fought.

I shall not detain this committee by laying before it any statistical, geographical, or commercial account of Greece. The document on your table, which has been furnished from the Department of State, in some measure supplies these: and her history is familiar to us all. Within the last thirty or forty years, the condition of that country has undergone a great improvement. Her marine produces the best sailors in the Mediterranean—better, in that sea, than even our own. Their commerce, before the present commotions, had begun to extend itself to France and Spain—Hobhouse (our best authority) states their seamen at fifty thousand; but that number is certainly much too large—they have one hundred and fifty-three thousand tons of shipping, which is equal to about one-fifth of that of the United States. Their population in European Turkey is about five millions, and in Asia Minor about two millions more. Their moral state is rapidly advancing in all respects—the literati of Europe conceived a strong interest in their behalf, and sent books and scholars and printing presses into Greece—many of the works of modern Europe have been translated into their language, and they have produced many works entirely original. This people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the most atrocious, unparalleled Tartarian barbarism that ever oppressed the human race. This House is unable to estimate duly, it is unable even to conceive or

comprehend it. It must be remembered that the character of the force which has so long dominated over them is purely military. It has been as truly as beautifully said, that "the Turk has now been encamped in Europe for four centuries." Yes, sir—it is nothing else than an encampment. They came in by the sword, and they govern by the sword. They hold the captive Greeks to be their property—and when a wretched Greek has yielded up his year's earnings to some rapacious exactor, it has truly been said that he "pays his ransom to live another year." Despotism is there, if the phrase may be allowed, formed into a regular system of anarchy. The power delegated to the inferior tyrant is as absolute within its sphere, as the power of the Sultan himself—and hence, there is scarcely a great post under the whole Government whose incumbent is not virtually, often actually, at war with the Porte. Between these two opposite powers, both despotic, it is dangerous to take sides, and yet sides must be taken: in all the empire there is no property, no security. The well-known and undisguised sale of all offices, is, of itself, a sufficient index of the state of society. In the whole world no such oppression is felt as that which has crushed down the wretched Greeks. In India, to be sure, it is bad enough in principle, but in the actual feeling of the oppression it is not to be compared. There the oppressed natives are themselves as barbarous as their oppressors, but here have been seven millions of civilized, enlightened, Christian men, trampled into the very earth, century after century, by a barbarous, pillaging, relentless soldiery.

Sir, the case is unique; there has existed nothing like it, before or since. The world has no such misery to show. Surely, there is no case in which we could point to the civilized and Christian world with such an emphasis of appeal. What, during all this time, has been the conduct of the neighboring nations—nations professedly Christian? It has been a disgrace to Europe. As early as the Congress at Laybach, in 1821, the papers of that council spoke of the rising of this oppressed people as culpable, as criminal. And this charge comes from the Emperor of Russia. Certainly he did not always think it quite so criminal in Greece to resist the Porte. On the contrary, is it not known to all the world that Russia advanced a claim of some kind against the Porte to the allegiance of Greece? Did not Ivan III. discard the banner of St. George, and take the double-headed eagle in its stead? Did not Peter the Great secure for them the passage of the Dardanelles? Did he not adopt the fir-famed banner of Constantine—"in hoc signo vinces?" Did he not stamp upon his coin "PETERUS I. RUSSO-GRECOR. IMPERATOR?" From 1769 to 1774, did not Russia engage in successive campaigns against the Porte, and did she not fill Greece with her armies? Were not the Turks compelled to admit, by treaty, the independence of the Czar of the Crimea? And

JANUARY, 1824.]

The Greek Cause.

[H. OF R.]

did not the Empress Catharine, when she conquered the Crimea, inscribe over the gate of Oherson, "THE ROAD TO BYZANTIUM?" Strange, indeed, after all this, that a Greek insurrection against the Turks should excite the indignation of the Emperor of Russia! Yet, what says the Congress of Verona, held no longer ago than last year? It denounces "the rash and culpable conduct of the Greeks, who have thrown a firebrand into the midst of the Ottoman Empire." If they did, that was done long before they did it, and they were by this very power encouraged to do it. Might it not have been expected that at that Congress some relenting of compassion would have been felt for these suffering Greeks? Nobody doubts the power of that Congress to aid them—one word would have delivered the whole nation. If, as that alliance professed, they took Christianity for their guide, what must be said of their abandoning seven millions of Christian people to be trampled upon by barbarians? Nay, at their being accused, because they turned upon their oppressors, of "throwing a firebrand into the midst of the Ottoman Empire?" But farther, sir: in 1821, Baron Strogonoff, the Russian Minister at Constantinople, says, in a public document, that the most unheard-of enormities were perpetrated against Greeks who had no share whatever in the rebellion; and that the conduct of the Porte towards these people was sufficient to furnish good grounds for all Europe to unite on the subject. This was in 1821. This was followed by that indescribable enormity, that appalling monument of barbarian cruelty, the destruction of Scio—a scene I will not attempt to describe—from which human nature shrinks shuddering away—a scene, thank God, without a parallel in all the history of fallen man; and that was quickly followed by the massacres in Cyprus. All these things were perfectly known when the Congress of Verona accused the Greeks, for their insurrection, of "throwing a firebrand into the midst of the Ottoman Empire!"

Now, then, I repeat, that if such are the results of the system of modern European Sovereigns, it is a system which demands examination. That this was a fruit of that system, is undeniable. This was an interference against the Greeks in favor of the Turks; and it was far greater than any thing I propose for the Greeks against the Turks. Yes, sir, with that instrument in their hand, Christian Sovereigns, there professing to take the Christian religion for their guide, have advanced to check a Christian nation in resisting the bloodiest cruelty of a horde of Mohammedan Tartars.

Such has been the conduct pursued towards this people. I now ask the indulgence of the House, while I state a very short account of their late revolution.

The situation of Greece had excited the sympathies of Western Europe for thirty years past. Societies had been formed in Germany to improve the condition of the suffering people—

branches of those societies were extended into Greece—many of their youth were carefully instructed in literature—many disbanded officers from the European armies entered into the Grecian service, and a considerable amelioration of their condition with respect to the advantages of education began to be effected. In 1821, the revolt took place in Moldavia and Wallachia, a revolt which was supposed to have been fomented by Russia. The Emperor brought down a large force upon the Pruth—a Russian vessel, being suspected of carrying supplies to the insurgents, was stopped as she passed the Bosphorus—and a rupture seemed immediately impending. Russia demanded that the Turkish forces should be withdrawn from those two northern provinces. At the same time that Ypsilanti was in rebellion in the north, the Porte had to carry on a desperate struggle with Ali Pacha in the west. And another war with Persia threatened in the east. Then it was that the Greek revolution burst forth. They soon possessed themselves of the open country of the Morea, and forced the Turks to fly for refuge into the cities. Of these, Tripolitza soon fell into their hands; and then they began to contemplate a government. They assembled a Congress, (the name is halloved on this side of the Atlantic—it is a name dear to freedom,) and began to organize a system of laws. The Annual Register asks what right they had to denominate this a Congress? The answer is easy; the same right, Mr. Chairman, that we had, and no more. With our constitution before them, they proceeded to copy its features as closely as their circumstances would permit. In that year, the war with Ali Pacha was ended by treachery, and the breach of the Turkish promise. The affair was settled, too, with Russia, and it now was discovered that all that she had insisted on was, that the Turkish forces should be withdrawn from Moldavia and Wallachia; the very measure which, of all others, had the most immediate tendency to overwhelm the Greek cause. Thus was the whole force of the Ottoman Empire let loose at once upon devoted Greece; and what, sir, was the result? Where the Ottoman made his greatest effort, he was met and foiled, and, in six weeks, had to turn back his steps from the Morea, whither his foot has never since trodden to this day. It was in this year that the island of Scio, the most favored island in the Archipelago, an island the peculiar property of the Sultana, the lightest taxed, the most wealthy, the most refined, the most literary spot in all Greece; where were libraries, such as few States in this Union possess, and where ease and elegance had their favorite seat, became the theatre of a massacre such as is not to be paralleled in the history of the world. The inhabitants of Samos, jealous at the comparative prosperity of this island, landed, drove the Turks into the town, and were joined by some of the country people of Scio. The Turkish fleet, lately reinforced from

Egypt, happened to be in the neighborhood—they landed, and burnt the city, and when the slaughter and burning was over, out of 140,000 inhabitants, nine hundred only were left alive. 40,000 women and children, inhabitants of the island, were sold at Smyrna into perpetual slavery. A month after—when the ashes of the burnt city were cold—did they hang thirty-five Greeks at the yard-arm, and slay eighty-five more who had been given as hostages from the town. Ten more hostages were hanged in Constantinople—700 who voluntarily surrendered, were all shot down; 800 others, about whom they got into dispute, were murdered in the same manner. And, sir, on the wharves of Boston did I see the utensils from the hearths of that polished, refined, and literary people, selling for old copper. Numbers of children, all whose relatives had been slaughtered, were picked up by the merchants in the Mediterranean, and some of them are now among us. Sir, these things were as well known at the Congress of Laybach as they are on this floor—but the tale did not move a muscle of those Allied Sovereigns, or alter, one hair's breadth, the course of their unfeeling policy. During the present year, the Persian war being over, Ali dead, and the Russians gone, the whole weight of the Turkish force has again and again been precipitated on the struggling Greeks—again and again it has been triumphantly resisted—and it is only this morning, sir, that I received the news of a fresh victory.

They now hold all the Morea, Candia, and the islands, with the exception of one or two fortresses still in the possession of the Turks—they have even ventured to act on the offensive. Their marine is strengthened—their blockades have been enforced—time, experience, and the vicissitudes of their momentous struggle, have consolidated their force, and they have now the advantage and blessing of a regular representative Government. Sir, have they not done much? It would be great injustice to compare their achievements with our own—because we began our struggle already possessed of government and of comparative civil freedom—we had for centuries been accustomed to govern ourselves;—but these poor Greeks had scarce any of the means of knowledge—they were without public concert—without experience, without patronage, surrounded by nations that cast every discouragement in their way; yet they have now had a free government for two years, and their soil is unprofaned by the foot of an invader. They have carried on the struggle for three successive campaigns, against hordes of Tartar troops and auxiliary forces from the Barbary States—they have been conjured, by their neighbors, to submit; but they still manfully hold out. Two hundred thousand have heroically laid down their lives—and what say the rest? "Some of our nation are yet alive, and we will all perish before we will yield up again our country to the oppressor."

It may now be asked, will this resolution do

them any good? Yes, it will do them much good. It will give them courage and spirit, which is better than money. It will assure them of the public sympathy, and will inspire them with fresh constancy. It will teach them that they are not forgotten by the civilized world, and to hope one day to occupy, in that world, an honorable station.

A farther question remains. Is this measure pacific? It has no other character. It simply proposes to make a pecuniary provision for a mission, when the President shall deem such mission expedient. It is a mere reciprocation to the sentiments of his Message; it imposes upon him no new duty; it gives him no new power; it does not hasten or urge him forward; it simply provides, in an open and avowed manner, the means of doing what would else be done out of the contingent fund. It leaves him at the most perfect liberty, and it reposes the whole matter in his sole discretion. He might do it without this resolution, as he did in the case of South America, but it merely answers the query whether on so great and interesting a question as the condition of the Greeks, this House holds no opinion which is worth expressing? But, suppose a commissioner is sent, the measure is pacific still. Where is the breach of neutrality? where a just cause of offence? And besides, Mr. Chairman, is all the danger in this matter on one side? may we not inquire, whose fleets cover the Archipelago? may we not ask what would be the result to our trade should Smyrna be blockaded? A commissioner could at least procure for us what we do not now possess—that is, authentic information of the true state of things. The document on your table exhibits a meagre appearance on this point—what does it contain? Letters of Mr. Luriettis and paragraphs from a French paper. My personal opinion is, that an agent ought immediately to be sent; but the resolution I have offered by no means goes so far.

Do gentlemen fear the result of this resolution in embroiling us with the Porte? Why, sir, how much is it ahead of the whole nation, or rather let me ask how much is the nation ahead of it? Is not this whole people already in a state of open and avowed excitement on this subject? Does not the land ring from side to side with one common sentiment of sympathy for Greece, and indignation towards her oppressors? Nay more, sir, are we not giving money to this cause? More still, sir, is not the Secretary of State in open correspondence with the President of the Greek Committee in London? The nation has gone as far as it can go, short of an official act of hostility. This resolution adds nothing beyond what is already done; nor can any of the European Governments take offence at such a measure. But, if they would, shall we be withheld from an honest expression of liberal feelings in the cause of freedom, for fear of giving umbrage to some member of the Holy Alliance? We are not, surely, yet prepared to purchase their smiles by a sacrifice of every

JANUARY, 1824.]

Marquis de Lafayette.

[H. OF R.]

manly principle. Dare any Christian Prince even ask us not to sympathize with a Christian nation struggling against Tartar tyranny? We do not interfere—we break no engagements—we violate no treaties—with the Porte we have none.

Mr. Chairman, there are some things which, to be well done, must be promptly done. If we even determine to do the thing that is now proposed, we may do it too late. Sir, I am not one of those who are for withholding aid when it is most urgently needed, and when the stress is past, and the aid no longer necessary, overwhelming the sufferer with caresses. I will not stand by and see my fellow man drowning without stretching out a hand to help him, till he has by his own efforts and presence of mind reached the shore in safety, and then encumber him with aid. With suffering Greece, now is the crisis of her fate—her great, it may be, her last struggle. Sir, while we sit here deliberating, her destiny may be decided. The Greeks, contending with ruthless oppressors, turn their eyes to us, and invoke us by their ancestors, by their slaughtered wives and children, by their own blood, poured out like water, by the hecatombs of dead they have heaped up as it were to heaven; they invoke, they implore of us some cheering sound, some look of sympathy, some token of compassionate regard. They look to us as the great Republic of the earth—and they ask us by our common faith, whether we can forget that they are struggling, as we once struggled, for what we now so happily enjoy? I cannot say, sir, that they will succeed: that rests with Heaven. But for myself, sir, if I should to-morrow hear that they have failed—that their last phalanx had sunk beneath the Turkish scimeter, that the flames of their last city had sunk in its ashes, and that naught remained but the wide melancholy waste where Greece once was, I should still reflect, with the most heartfelt satisfaction, that I have asked you, in the name of seven millions of freemen, that you would give them at least the cheering of one friendly voice.

When Mr. WEBSTER had concluded—

The committee rose, and reported progress, and, having had leave to sit again, the House adjourned.

TUESDAY, JANUARY 20.

The amendment proposed by the Senate to the bill, entitled "An act authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States, in the year 1824," was read, and concurred in by the House.

Marquis de Lafayette.

Mr. MITCHELL, from the committee to whom the subject was referred, reported an amendment to the resolution respecting the Marquis de Lafayette, striking out the preamble and all that follows the word "resolved," and substituting the following:

"That the Marquis de Lafayette having expressed his intention to visit this country, the President be requested to communicate to him the assurances of grateful and affectionate attachment still cherished towards him by the Government and people of the United States.

"And be it further resolved, That, as a mark of national respect, the President cause to be held in readiness a ship-of-the-line, and invite the Marquis to take passage therein, whenever his disposition to visit this country be signified."

Mr. LIVINGSTON, of Louisiana, rose to express the hope, he might, without impropriety, say the conviction, that the resolution would be adopted unanimously by the House. Not only were the merits of the illustrious man, to whom it had reference, universally known in these States, but they had been uniformly, repeatedly, and publicly acknowledged. The history of his connections with the United States was personally known to some of the members in this House—it was known to all who had read the story of our Revolution. It was a connection which did honor to both—to the country that received, and to the individual who rendered them. At a very early age, when pleasure presents itself in the most captivating and seductive form, possessed of a fortune which enabled him to comply with her every solicitation, and of a rank which warranted his aspiring to the loftiest heights of ambition in his own country he possessed, with all these, sufficient energy of character to shake off every inducement of pleasure, of wealth, and of ambition, and to join a country, in which, although there was much to gratify an honest ambition, there was nothing to be found of all that which young men of his rank and standing, in Europe, were wont most to desire. He came to our shores; he offered his services to our Government; they were accepted, and he immediately received an honorable rank and a conspicuous station. One of my earliest recollections is connected with the period of his arrival, and one of the most pleasing remembrances of my boyhood, is the being permitted, in company with one who is now a member of this House, to visit him at his headquarters, in occasional excursions from the place where we were receiving our education. I afterwards saw him, at the head of two thousand men, who had been clothed, armed, and decorated at his own expense, conciliating, by his republican manners, by the steadiness of his discipline and the condescension of his behavior, the devoted affection of the soldiery, reconciling, by the winning kindness of his address, the aged man to submit himself to the command of a youth—the hardy native of the soil to receive and submit to the command of a foreigner. At the same time, by his strict obedience to authority, he won the esteem of his superiors in command. But the most touching part of this lovely spectacle, was the deference, the veneration, the devoted attachment which ever marked his deportment towards the Father of our Country. But it

was not merely in the pomp and parade of a military rank, however honorable, that Lafayette was worthy of our contemplation; he sought effective service, he sealed his attachment to our cause with his blood at Brandywine, and in that great catastrophe which placed in our hands a British commander and all his army at Yorktown, he occupied a striking position in the busy and interesting scene. The judgment of Washington having given him command of the American forces in the storming of a redoubt, while the French, in another column, were ordered simultaneously to attack another, Lafayette obtained the palm, having carried his redoubt some minutes in advance of the French column. But his services to the cause of these States were not merely of a military character; he served us equally in a political as in a commercial point of view. He made frequent visits to France, and he used them for the purpose of strengthening our connections with that country, and bringing its wealth by commercial operations in aid of our exhausted resources. He has a farther recommendation to our affection and respect, as the friend of temperate and regulated liberty in his own country. From the first moment of the French revolution he was the decided advocate of its general principle, and he was the advocate of that form of civil liberty, which he conceived best adapted to the circumstances and genius of France, a limited monarchy accompanied with a deliberative body. He once thought that he had attained this object, but the excesses which followed prostrated all his fond hopes, and he himself falling into the clutches of despotic power, was thrown into the dungeons of Olmutz. A better state of things afterwards succeeded, and he returned to his country, where he had the immortal honor of putting on record his vote (almost a solitary one) against the enormous grants of power to the late ruler of France. He is still the intrepid friend of her chartered rights. As such, he has claims on the respect of the friends of freedom in all countries. But, here, he has so many claims to that regard, that it would be an imputation on the American character to suppose, that the measure now proposed will not meet with the hearty concurrence of every member of this House.

Mr. WARFIELD said, the resolutions now under consideration, which were originally introduced by his friend and colleague, had his entire and most cordial approbation. It is not, said Mr. W., my purpose on this occasion to recount the signal services rendered to this country, when in her utmost need, by the great, the good, the illustrious Lafayette: they have been expatiated on by the gentleman from Louisiana, (Mr. LIVINGSTON;) they are in the distinct recollection of every member of this House; they are indelibly imprinted on every American heart; they are recorded; they adorn the faithful page of history, and will be read and admired by ages yet to come. My only object,

said Mr. W., in rising, is to express the hope that those resolutions will receive the unanimous approbation of this Body, composed of the immediate Representatives of the people of the United States of America.

The question being put on the adoption of the amendment, it passed unanimously in the affirmative: and the resolution, as amended, was ordered to be engrossed for a third reading.

Deprecation of European Combinations to Resubjugate the Independent American States of Spanish Origin.

Mr. CLAY offered the following, which he desired to lay on the table for consideration:

"Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the people of these States would not see, without serious inquietude, any forcible interposition by the Allied powers of Europe in behalf of Spain, to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves, respectively, independent Governments, and which have been solemnly recognized by the United States."

The Committee of the Whole having resumed the consideration of the resolution recommending an appropriation to defray the expense of a mission to Greece,

Mr. PONSERRE, of South Carolina, then rose, and addressed the House as follows:

To view this question calmly and dispassionately as a statesman ought to do, requires us to exercise the utmost control over our feelings.

It is impossible to contemplate the contest between the Greeks and the Turks, so eloquently described by the gentleman from Massachusetts, without feeling the strongest indignation at the barbarous atrocities committed by the infidel oppressor, and the deepest interest in the cause of a brave people struggling alone, against fearful odds, to shake off the yoke of despotism.

Our sympathies are always with the oppressed—our feelings are always engaged in the cause of liberty. In favor of Greece, they are still more strongly excited by recollections, which the scholar cherishes with delight, and which are associated in our minds with every pure and exalted sentiment.

The descendants of that illustrious people, to whom we owe our arts, our sciences, and, except our religion, every thing which gives a charm to life, must command our warmest interest: but the Greeks have other claims to our sympathies. They are not only heirs of the immortal fame of their ancestors—they are the rivals of their virtues. In their heroic struggle for freedom, they have exhibited a persevering courage, a spirit of enterprise, and a contempt of danger and of suffering worthy the best days of ancient Greece. The enthusiasm and liberality manifested in their cause, by our fellow-citizens throughout the Union, are, in the highest degree, honorable to their feelings. As men, we must

JANUARY, 1824.]

The Greek Cause.

[H. OF R.]

applaud their generosity, and may imitate their example. But the duty of a statesman is a stern duty. As Representatives of the people, we have no right to indulge our sympathies, however noble, or to give way to our feelings, however generous. We are to regard only the policy of a measure submitted to our consideration. Our first, and most important duty, is to maintain peace, whenever that can be done consistently with the honor and safety of the nation; and we ought to be slow to adopt any measure which might involve us in a war, except where those great interests are concerned. The gentleman disclaims any such intention. He does not believe that we run the slightest risk, by adopting the resolution on your table. He considers it as a pacific measure, and relies entirely upon the discretion of the President, to accept or reject our recommendation, as the interests of the country may require. The object of passing such a resolution can only be to give an impulse to the Executive, and to induce him, by an expression of the opinion of this House, to send a commission to Greece. I have as great a reliance upon the discretion of the Executive as the gentleman from Massachusetts. I believe that he would resist the suggestion of this House in favor of any measure, if he thought the public interest required him to do so. But, unless we wish and expect him to act upon our recommendation, we ought not to throw upon him, alone, the responsibility of resisting the strong public feeling which has been excited on this subject. The question for us to consider appears to me to be, whether, if the power rested with us, we would exercise it to this extent. I think we could not do so, without incurring some risk of involving the country in a war foreign to its interests. Let us suppose that these commissioners were to fall into the hands of the Turks; an event by no means impossible, in the present state of Greece—what would be their fate? The Porte has not been remarkable for its strict observance of the laws of nations, in its intercourse with the powers of Europe; and it is not probable, that such a court would be very scrupulous in its conduct towards a nation whose flag it has never acknowledged. Or, let us imagine, what is much more probable, that on the rumor of our having taken any measure in favor of Greece, the barbarous and infuriated Janissaries at Smyrna were to assassinate our Consul and fellow-citizens residing there; might not a war grow out of such acts? The gentleman from Massachusetts said, yesterday, that we had already taken steps, which would offend the Ottoman Porte as much as the one he proposed. Money has been freely and publicly contributed in aid of the Greeks. What we have done in that respect is common to all Christian Europe. Large sums have been contributed for that purpose in England, in Germany, and even in Russia. He said, too, that the Executive, in the Secretary's letter to the agent of the Greek Government, and subsequently in his Message to Congress, has used

expressions calculated to irritate that court as much as if we were to send a commission to Greece. These expressions of ardent wishes for the success of the Greeks are honorable to the Executive, and will be echoed back by the nation. They may be so by this House with safety, and that expression of our interest in their welfare and success would have all the cheering influence the gentleman anticipates from the measure he proposes.

It appears to me, that in the consideration of this question we have been misled by comparing this revolution with that of Spanish America. And I have heard it argued that, as we sent commissioners to Buenos Ayres without rousing the jealousy of any nation, and recognized the independence of those Governments without exciting the hostility of Spain, we may do the same in relation to Greece, without offending any nation in Europe.

Mr. RANDOLPH then rose and said, that this was perhaps one of the finest and the prettiest themes for declamation ever presented to a deliberative assembly. But it appeared to him in a light very different from any that had as yet been thrown upon it. He looked at the measure as one fraught with deep and deadly danger to the best interests and to the liberties of the American people; and so satisfied was he of this, that he had been constrained by that conviction to overcome the almost insuperable repugnance he felt to throwing himself upon the notice of the House, but he felt it his duty to raise his voice against both the propositions. He would not at this time go at length into the subject; his intention, in rising, was merely to move that the committee rise, and that both of the resolutions might be printed. He wished to have some time to think of this business—to deliberate, before we took this leap in the dark into the Archipelago, or the Black Sea, or into the wide mouth of the La Plata. He might be permitted to add one or two other views. He knew, he said, that the post of honor was on the other side of the House, the post of toil and of difficulty on this side; if, indeed, anybody should be with him on this side. It was a difficult and an invidious task to stem the torrent of public sentiment when all the generous feelings of the human heart were appealed to. But, sir, said Mr. R., I was delegated to this House to guard the interests of the people of the United States, not to guard the rights of other people; and if it was doubted, even in the case of England, the land fertile above all others (not excepting Greece herself) in great men—if it was doubtful whether her interference in the politics of the Continent, though separated from it only by a narrow frith, were either for her honor or advantage; if the effect of that interference has been a monumental debt, that paralyzes the arm that certainly would have struck for Spain, can it be for us to seek in the very bottom of the Mediterranean for a quarrel with the Ottoman Porte? And this while we have an ocean rolling between? While we are in

that sea without a single port in which to refit a ship? And while the powers of Barbary lie in succession in our path? Shall we open this Pandora's box of political evils? It has been wisely and truly said, that it is possible the mere rumor of our interference may produce at Constantinople, or at Smyrna, that which will drive us at once into a war. We all know the connection that subsists between the Barbary States and what we may denominate the Mother Power. Are we prepared for a war with these pirates? (not that we are not perfectly competent to such a war, but) does it suit our finances? Does it, sir, suit our magnificent project of roads and canals? Does it suit the temper of our people? Does it promote their interests? Will it add to their happiness? Sir, why did we remain supine, while Piedmont and Naples were crushed by Austria? Why did we stand aloof, while the Spanish peninsula was again reduced under legitimate government? If we did not interfere then, why now? Sir, I refer you to the memorable attempted interference of that greatest of statesmen, when he was in the zenith of his glory—when all his dazzling beams were unshorn. You know I mean Mr. Pitt; and I refer you, as a commentary on that attempted interference, to the speech of Mr. Fox—a speech fraught with the wisdom of a real statesman. [Here Mr. R. paused.]

The question was put, and the committee rose, reported progress, and had leave to sit again; and, on motion of Mr. TAYLOR, the resolutions were ordered to be printed.

THURSDAY, January 22.

The Greek Cause.

The House then again resolved itself into a Committee of the Whole on the state of the Union, and resumed the consideration of Mr. WEBSTER'S resolution, for sending an agent to Greece, and the amendment thereto proposed by Mr. POINSETT, which proposes to limit the resolve to the expression of a sentiment decisively favorable to the Greek cause.

Mr. CUTHBERT, (who had, by the custom of the House, the right to the floor, having last evening moved that the committee rise,) in introducing his remarks, observed something in relation to his state of bodily health, which we did not distinctly hear; but he said that, even if he could have supposed that any observations of his would have any weight with the House, he had the less reason to regret his state, either of body or mind, after the eloquent speech delivered by the gentleman from New Hampshire, (Mr. BARTLETT.) He believed there were few gentlemen present, yesterday, whose minds had not received a strong impression from that speech; he felt certain that it had a sensible influence on the opinion of this House, and, therefore, (being on this question of similar opinions to that gentleman,) he regretted the less any disability of his own.

He believed, in the first place, that it would

be conceded by gentlemen on the other side, that this was a measure which had its origin, principally, in feeling. That a very strong popular excitement did exist at this moment on the subject, could not be denied; and how far the feelings of a virtuous, intelligent, and reflecting people, ought to influence their legislators, he should not undertake to determine; he did not, for a moment, suppose that a legislative body was the only assemblage of citizens who were competent to judge and determine a question of this kind. But there was a wide and important distinction between assemblages of the people, gathered together in masses without responsibility, and those who were bound by their office and their oath to deliberate with their calmest judgment, and whose decisions were to be followed with momentous consequences.

The people, gathered in large assemblies, feel a generous pride in expressing their warmest feelings. The noble glow of sympathy catches from heart to heart; the feeling rises with the numbers who partake in it, till each man feels his bosom swell with a big emotion, the result of the congregated feeling. But, sir, while such meetings are held, and such emotions experienced, do the people, sir, expect that you shall be governed, in solemn acts of legislation, by the resolutions they pass? Were you to yield yourselves to such a governance, you would betray the confidence reposed in you. Not that you have more wisdom than they, but that you are intrusted with the administration of their Government. They tell you that they love liberty—that they deplore the calamities and sufferings of the oppressed Greeks—that they rejoice and exult in all their triumphs. Well, sir, what is the conclusion? This: that if sound wisdom shall direct you to engage in any active measures on the subject, you have an ardent and an energetic people to back you. Ought you not to pause, Mr. Chairman, before you commit such a people, noble, gallant, generous, now enjoying unprecedented happiness, and in the full possession of all the blessings of peace, to all the privations, the untried horrors of war? To judge of your duty, select any individual who has been a member of one of these popular meetings, who has been the most enthusiastic of all who were present, and who there passed resolutions, couched in the most glowing language; select him from that meeting, (where he was without responsibility,) place him in the solitude of his chamber, tell him he must now act, and act under the whole responsibility of the happiness or the distress of his country—passion departs—he begins to pause, and to reflect, and he invokes, not passion, but wisdom, for his guide. It is thus that these very people expect and demand of you to act.

What does such a reflection naturally suggest to us? That we should make a comparison between our Government, and those under which this very nation of the Greeks once lived.

JANUARY, 1824.]

The Greek Cause.

[H. of R.]

Shall I be told that it is but the declamation of a school-boy to talk of ancient Greece? I answer, that sentiment is worthy only of those enslaved countries where it is the fashion, because it is the interest of their oppressors, to cast every species of ridicule and sneer upon republican Governments. Shall we, on this account, deny ourselves the solid benefit of the experience of other republics? Those who live under the monarchical Governments of Europe are liable to be misled on this subject, by the cant of their writers—from the humblest journal of the day, to the largest and weightiest tome that engrosses the shelf of their libraries, all hold one language—a regular war is waged with the principles of free government; if we join in the adoption of such anti-republican sentiments, we aid this band of conspirators in the servile design of degrading and debasing the human family. No, sir. We are warranted in appealing for facts to aid us to the history of Greece—it is our duty to look carefully at that history. And what do we find, sir? that the Grecian republics had all the soul and fire of liberty, but that they wanted intelligence, and a regular plan in its enjoyment and its preservation. Hence, we see them split up into contending factions; and so bitter were their mutual hatred and animosity, and so fierce the rage of their contests, that, in some instances, whole communities were destroyed, wars of annihilation were carried on between neighboring States, and scenes occurred on the Grecian soil, over which freedom and humanity mingle their tears. But how, sir, is the case with us? Under an administration of mild and equal laws, we are at this hour in the enjoyment of the utmost practicable measure of personal liberty. We are blessed with profound peace, and the humblest and most timid man among us is in the full possession of absolute security in person and property.

Sir, this night every weak and shrinking female, every helpless infant, in all this land, lies down in peace, and may sink into unbroken slumber, conscious of being safe from harm. To-morrow, every vigorous man, with robust limb, with active and enterprising mind, will be engaged with ardor in all that can advance his own and his country's prosperity, in all that enlightens and ennobles man. The sustaining energy of a free Government pervades the land, and raises and strengthens the character of all who inhabit it. In such a country, wars can never be waged for glory and empire. The most ambitious leader, who would persuade us into a war, must profess that it is a war for the right; he dare not even breathe the sentiment that it is undertaken only for glory. Surely this reflection ought to prove to us a warning on an occasion like this; for, be it remembered, that, by all the acts in which it is engaged, this infant nation is stamping its character for future ages.

There is one question I would ask of this committee. I would ask it emphatically. You

owe to Greece a debt which you ought to repay in kind. Is it a debt for physical aid? Is it for any thing she ever did for us by physical force? No, sir; it is for moral aid; for the force of her example; it is for the spirit and sentiments of her writers, which have passed into our mind; it is for the lessons she has taught us in the love and the defence of freedom; it is for the warnings we have received from her misfortunes; for the spirit, in a word, that her works and her words have poured into our souls. What, then, is our proper, our best return? It is to raise her depressed children by the example of our free Government—a Government possessing some excellencies and advantages that hers never had, even in their brightest day. This is the example we are to set them, and not that of foreign wars. We are to show them the blessings of freedom, as reduced to a practical and a permanent form—to show them a people happy, and proud of the lot they enjoy.

How cautious, then, should we be that we do not, by bringing disaster on our hitherto happy experiment, blast the rising cause of freedom (check it, rather, for rise it will) throughout the world. Let us take care that we do not make our case a warning against free Governments, instead of the strongest of arguments in their favor. And what, sir, is the process by which you are to spread the influence of your free principles and free institutions? Not by wars, but by a friendly intercourse with Europe; by writings, by personal conversation, and by the speeches of your statesmen. By means like these, the rapid contagion of enlightened principles will spread from land to land. Men easily imbibe right principles on politics, when once they are suggested to them. The plainest and the humblest peasant can be made to understand that men are born equal, and have equal rights; all he needs is to be convinced that these principles, so true and so plain in themselves, can be carried out into a practical government. The literati of Europe know this, and some of them spread the truth in their writings. Their statesmen know it, too, and some of these, too, recommend it. The honest common people acknowledge the truth, and long for its benefits. They have the demonstration of the truth brought to their very senses: they see and know our seamen, our merchants, and their families, and they know that there does exist a country that fosters in its bosom a free, proud, and energetic people, who know how to protect their rights and their honor. Such a state of things now exists that these people inhale some notions of freedom with the very atmosphere they breathe—and as they breathe it they come to love those rights. Despotism, on the other hand, is founded on the ignorance, prejudice, timidity, and depression of the people: but that ignorance is dissipating—those prejudices are weakening—that fear is dispelling—the people are fast rising in the scale of being. How unwise would it be,

nay, how wicked, to abandon all these gradual but powerful effects of our Government and condition, in order to assume another character. What will be the effect of war on this influence? It will counteract it at once, by conjuring up in opposition all the angry and resentful passions. Why should we so effectually advance the dearest interests of despotism? Think you that their monarchs will fail to direct these passions against the cause of freedom? Sir, we can give no physical, no warlike aid to liberty that will not injure her cause.

There is another consideration that calls upon us to pause and reflect, before we take any step that may commit the nation. Monarchy can go to war from policy or ambition, and if they do not find it suits their views they can, with almost equal ease, withdraw from the contest. But it is far otherwise with republics. In these, before you enter into a war, you must convince the mass of the nation that the war is virtuous and just in its principles, and unavoidable without disgrace. When a free people have become, by reflection, convinced of this, they become reckless of consequences; you rouse a deeper spirit; you concentrate a mightier wrath than a despotic Government can ever know. There is a moral force that mingles with the physical, and propels it with redoubled energy. But, if the war is unreasonable, unjust, unnecessary, when any calamity happens in its prosecution they at once look back to its origin, re-examine its principle; they ask, in a spirit of discontent and indignation, why was it not avoided; and they wreak their vengeance on its authors. You cannot, then, enter with too much caution on steps that have war in their probable or possible results. If you go to war in a proper spirit, and on sufficient and solid grounds, your people will resolve on success or ruin; but if you enter on it lightly, after a while the spirit of the people flags; they abandon you; you have to yield without success; the temper and tone of the nation is lowered, and its character permanently injured. Another question was, what effect such a measure as that now proposed was likely to produce on our relations with the European powers. Britain seems to have learned from us a salutary lesson of neutrality, and she will observe it as long as she can. You cannot get that Government into a Spanish or a Greek war. At the very moment you would weaken yourselves by entering into this distant contest, that politic and experienced Government is husbanding its resources and accumulating its strength. You cannot doubt that they cherish a deadly hostility against you; that they are jealous of your rising greatness; that they remember well your naval triumphs, and that war will one day be the issue. Shall you, in the meanwhile, enter with levity, (in such a case, I repeat, that levity is wickedness,) and run the hazard of an unnecessary and impolitic war? Surely, you felt, a few years since,

enough to warn you into sobriety and caution. You saw the struggle which arose, amidst the heavy embarrassments of the country, between the advocates of economy and those who were determined to support the institutions of the country at every expense. You know, sir, what a painful scene was then exhibited in this House. Shall we renew such scenes? Is this committee willing to run any risk of their renewal? Can you doubt, if such embarrassments should again recur, that your crafty enemy would seize upon the crisis to attack you? No, sir; let us cherish peace; let us pay our debts; let us accumulate treasure; then your enemy will be less willing to assail you, while you will be the better prepared to meet him.

SATURDAY, January 24.

The Greek Cause.

The House then again resolved itself into a Committee of the Whole, on the state of the Union, and resumed the consideration of Mr. WEBSTER'S resolution, for sending an agent to Greece, and the amendment thereto proposed by Mr. POINSETT, which proposes to limit the resolve to the expression of a sentiment decidedly favorable to the Greek cause.

The depending question having been stated,

Mr. RANDOLPH rose, and said, that it was, to him, a subject of unfeigned regret, that the very few unpremeditated words into which, a few days since, he had been so suddenly and unexpectedly betrayed, should, in the opinion of those for whose judgment he had much greater deference than for his own, have begot a necessity for some further illustration. He could, with most serious and unaffected sincerity, assure the committee, that, whenever he was so unfortunate as to be under the necessity of trespassing on their attention, the pain which it gave them to listen, was not greater than that which he felt in addressing them; and he hoped that that consideration would secure a respectful attention to the little—the very little, that he had to say.

Sir, said Mr. R., the resolution before you, if we are to take the word of the honorable gentleman that moved it, is, in itself, almost nothing—a speck in the political horizon: but, sir, no man better knows than the honorable mover, that it is from clouds of that portent in the moral and political, as well as in the natural atmosphere, that storms, the most disastrous in their consequences, usually proceed. The resolution, in itself, is nothing, when compared to the consequences which it involves. It appears to me that the bearings and consequences of the measure proposed by this resolution have not yet been traced to their utmost extent; nor, by any means, Mr. R. said, did he intend to undertake the task. But he would give the committee, as succinctly as he could, some of the views in which it presented itself to him.

It is with serious concern and alarm, said Mr. R., that I have heard doctrines broached in this

JANUARY, 1824.]

The Greek Cause.

[H. OF R.]

debate, fraught with consequences more disastrous to the best interests of this people, than any that I ever heard advanced during the five and twenty years since I have been honored with a seat on this floor. They imply, to my apprehension, a total and fundamental change of the policy pursued by this Government, *ab urbe condita*—from the foundation of the Republic, to the present day. Are we, sir, to go on a crusade, in another hemisphere, for the propagation of two objects as dear and delightful to my heart as to that of any gentleman in this, or in any other assembly—Liberty and Religion—and, in the name of those holy words—by this powerful spell, is this nation to be conjured and beguiled out of the highway of Heaven—out of its present comparatively happy state, into all the disastrous conflicts arising from the policy of European powers, with all the consequences which flow from them? Liberty and Religion, sir! Things that are yet dear, in spite of all the mischief that has been perpetrated in their name. I believe that nothing similar to this proposition is to be found in modern history, unless in the famous decree of the French National Assembly, which brought combined Europe against them, with its united strength, and, after repeated struggles, finally effected the downfall of the French power. Sir, I am wrong—there is another example of like doctrine; and you find it among that strange and peculiar people—in that mysterious book, which is of the highest authority with them, (for it is at once their gospel and their law—) the Koran, which enjoins it to be the duty of all good Moslems to propagate its doctrines at the point of the sword; by the edge of the scimitar. The character of that people is a peculiar one; they differ from every other race. It has been said here, that it is four hundred years since they encamped in Europe. Sir, said Mr. R., they were encamped, where we now find them, before this country was discovered, and their title to the country which they occupy is at least as good as ours. They hold their possessions there by the same title by which all other countries are held—possession obtained, at first, by a successful employment of force, confirmed by time, by usage, by prescription—the best of all possible titles. Their policy, Mr. R. said, had been, not tortuous, like that of other States of Europe, but straightforward; they had invariably appealed to the sword, and they held by the sword. The Russ had, indeed, made great encroachments on their empire, but the ground had been contested inch by inch; and the acquisitions of Russia, on the side of Christian Europe—Livonia, Ingria, Courland—Finland to the Gulf of Bothnia—Poland—had been greater than she had made of the Mahometans. And, in consequence of this straightforward policy to which he had before referred, this peculiar people could boast of being the only one of the powers of continental Europe, whose capital had never been insulted by the presence of a foreign military

force. It was a curious fact, well worthy of attention, that Constantinople was the only capital in continental Europe—for Moscow was the true capital of Russia—that had never been in possession of an enemy. It is, indeed, true, said Mr. R., that the Empress Catharine did inscribe over the gate of one of the cities that she won in the Crimea, (Oherson, I think,) “road to Byzantium;” but, sir, it has proved—perhaps too low a word for the subject—but a stumpy road for Russia. Who, at that day, would have been believed, had he foretold to that august (for so she was) and illustrious woman, that her Cossacks of the Ukraine, and of the Don, would have been encamped in Paris before they reached Constantinople? Who would have been believed if he had foretold that a French invading force, such as the world never saw before, and, I trust, will never again see—would lay Moscow itself in ashes? These are considerations worthy of attention before we embark in the project proposed by this resolution, the consequences of which no human eye can divine.

I would respectfully ask the gentleman from Massachusetts, said Mr. R., whether in his very able and masterly argument—and he has said all that I supposed could be said upon the subject, and more than could have been said by any man in favor of his resolution—whether he himself has not furnished an answer to his speech—I had not the happiness myself to hear his speech, but a friend has read it to me—in one of the arguments in that speech? Towards the conclusion, I think, of his speech, the gentleman lays down, from *Puffendorff*, in reference to the honeyed words and pious professions of the Holy Alliance, that these are all surplusage, because nations are always supposed to be ready to do what justice and national law require. Well, sir, said Mr. R., if this be so, why may not the Greeks presume—why are they not, on this principle, bound to presume that this Government is disposed to do all, in reference to them, that they ought to do, without any formal resolutions to that effect? I ask the gentleman from Massachusetts whether the doctrine of *Puffendorff* does not apply as strongly to the resolution as to the declaration of the Allies—that is, if the resolution of the gentleman be indeed that almost nothing he would have us suppose—if there be not something behind this nothing which divides this House (not *horizontally*, as the gentleman has somewhat quaintly said, but *vertically*) into two unequal parties, one the advocate of a splendid system of crusades, the other the friends of peace and harmony, the advocates of a *fireside policy*; for, as had truly been said, as long as all is right at the fireside, there cannot be much wrong elsewhere—whether, he repeated, does not the doctrine of *Puffendorff* apply as well to the words of the resolution as to the words of the Holy Alliance?

But, sir, we have already done more than this. The President of the United States, the

only organ of communication which the people have seen fit to establish between us and foreign powers, has already expressed all, in reference to Greece, that the resolution goes to express. *Actum est*—it is done—it is finished—there is an end. Not, Mr. R. said, that he would have the House to infer that he meant to express any opinion as to the policy of such a declaration. The practice of responding to Presidential Addresses and Messages had gone out for now these two or three and twenty years.

Mr. R. then went on to say, he had thought if the great master of the political philosophy could arise from the dead, or had his valuable life been spared till now, he would not only have been relieved from all his terrors on the subject of a regicide peace, but also have witnessed a return of the age of chivalry, and the banishment of calculation even from the estimates of statesmen, which that great man could never have foreseen; for the proposition now under consideration was that something new under the sun which Solomon himself never dreamed of. Is this all? No, sir, said Mr. R., if that was all, I should not have thrown myself upon your attention. But this is not all. Cases have already been stated, to which the principle of the resolution equally applies as to that of the Greeks. In addition to those already put, I will take the case of Canada, if you will. It is known to every body that discontents have for some time existed in the Canadian Provinces, with the mother country and the measures of its Government. Suppose the people of the British colonies to the north of us undertake to throw off the yoke—I will not put the case of Jamaica, because they, unhappily, are slaveholders. Are you ready to stake the peace, and welfare, and the resources of this nation in support of Canadian independence? Your doctrine goes that length—you cannot stop short of it. Where, in that case, will be the assistance of Great Britain, already referred to in debate as being the only spot in the world in which liberty resides except our own country? After some other observations, Mr. R. adduced another people—in valorous achievements and daring spirit on a footing with these Greeks themselves—and who have achieved their independence from a bondage far heavier than that of the Greeks to the Turks. How is it, sir, said Mr. R., that we have never sent an Envoy to our sister Republic of Hayti? Here is a case that fits—a case beyond dispute. It is not that of a people who have “almost,” (ay, sir! *almost*, but not *altogether*)—who have *almost* but perfectly achieved their independence. To attempt to show that these cases are equally within the range of the principle of the resolution, would be to show a disrespect to the intellects of those around me. The man who cannot pursue the inference would not recognize my picture, though, like the Dutchman’s painting, were written under it, “*This is the man, that the horse.*”

There was another remark that fell from the gentleman from Massachusetts—of which, Mr. R. said, he should speak, as he always should speak, of any thing from that gentleman, with all the personal respect which may be consistent with freedom of discussion. Among other cases forcibly put by the gentleman from Massachusetts, why he would embark in this incipient crusade against Mussulmen, he stated this as one—that they hold human beings as property. Ah, sir, said Mr. R., and what says the Constitution of the United States on this point? unless, indeed, that instrument is wholly to be excluded from consideration—unless it is to be regarded as a mere useless parchment, worthy to be burnt, as was once actually proposed. Does not that constitution give its sanction to the holding of human beings as property? Sir, I am not going to discuss the abstract question of liberty or slavery, or any other abstract question. I go for matters of fact. But I would ask gentlemen in this House, who have the misfortune to reside on the wrong side of a certain mysterious parallel of latitude, to take this question seriously into consideration—whether the Government of the United States is prepared to say, that the act of holding human beings as property is sufficient to place the party so offending under the ban of its high and mighty displeasure?

Sir, the objections to this resolution accumulate as I proceed—*vires acquirit eundo*. If I should attempt to go through with a statement of them all, and had strength to sustain me, I should do what I promised I would not do—I should worry and exhaust the patience of this committee.

Sir, what are we now asked to do? To stimulate the Executive to the creation of embassies. And what then? That we, or our friends, may fill them. Sir, the sending ambassadors abroad is one of the great prerogatives, if you will, of our Executive authority; and we are, I repeat, about to stimulate the President to the creation of a new, and, I must be permitted to say, an unnecessary embassy—a diplomatic agency to Greece—that we, or our friends, may profit by it. For, sir, it is a matter of notoriety that all these good things are reserved for men who either have been, or are, *de facto*, members of this, or of the other, House. No doubt we shall be able to find some learned Theban, or some other Boeotian, willing to undertake this mission—perfectly willing to live upon the resources of the people, rather than his own. But then, said Mr. R., recurs the old-fashioned question, *Cui bono?* His own, undoubtedly, but surely not that of this nation.

But, it is urged, that we have sent and received Ministers from revolutionary France. True, said Mr. R., we have; but what was revolutionary France? Our own ancient and very good ally; a substantive power, if any such exist on the continent of Europe, whose independent existence no one could doubt or dispute, unless, indeed, the disciples of Berkeley,

JANUARY, 1824.]

The Greek Cause.

[H. or R.]

who deny that there is any such thing as matter. But, sir, have the United States always received the Ministers that are sent to them from foreign powers? How long did the person who was appointed diplomatic agent here from Spain (Don Onís) linger in your antechambers before he was acknowledged? And is it said that the situation of Greece approaches more nearly to independence than that of Spain when Don Onís came here as her Minister? Sir, let these Greeks send a Minister to us, and then we will deliberate on the question whether we will accredit him or not. If, indeed, there was a Minister of Greece knocking at the door of the President's antechamber for admittance, and that admittance was denied, the question of Grecian independence would be more legitimately before us; but I greatly doubt if even that case would be sufficient to call for the interference of this House.

But, Mr. R. said, there was one aspect of this question which, to him it appeared, ought to be conclusive on the minds of all, viz: That Russia, whose designs on Turkey have been unremittently prosecuted ever since the days of Peter the Great for more than a century; that Russia, allied to the Greeks in religious faith—identified in that respect; that Russia, unassailable territorially, and dividing with us (according to the gentleman from Massachusetts) the dread and apprehension of the Allied Powers—even Russia, in “juxtaposition” (to use the words of the mover of the resolution) to Turkey—even Russia dare not move. But we, who are separated first by the Atlantic Ocean, and then have to traverse the Mediterranean Sea to arrive at the seat of conflict—we, at the distance of five thousand miles, are to interfere in this quarrel—to what purpose? To the advantage solely of this very colossal power which has been held up as the great object of our dread, and of whom it is difficult to say whether it is more to be dreaded for its physical force, or its detestable principle.

Permit me, sir, to ask why, in the selection of an enemy to the doctrines of our Government, and a party to those advanced by the Holy Alliance, we should fix on Turkey? She, at least, forms no party to that alliance; and I venture to say, that, for the last century, her conduct, in reference to her neighbors, has been much more Christian than that of all the “Most Christian,” “Most Catholic,” or “Most Faithful” Majesties of Europe—for she has not interfered, as we propose to do, in the internal affairs of other nations.

But, sir, we have not done. Not satisfied with attempting to support the Greeks, one world, like that of Pyrrhus or Alexander, is not sufficient for us. We have yet another world for exploits: we are to operate in a country distant from us eighty degrees of latitude, and only accessible by a circumnavigation of the globe, and to subdue which we must cover the Pacific with our ships, and the tops of the Andes with our soldiers. Do gentlemen seri-

ously reflect on the work they have cut out for us? Why, sir, these projects of ambition surpass those of Bonaparte himself.

It has once been said, of the dominions of the King of Spain—thank God! it can no longer be said—that the sun never set upon them. Sir, the sun never sets on ambition like this: they who have once felt its scorpion sting are never satisfied with a limit less than a circle, of our planet. I have heard, sir, the late corruscation in the heavens attempted to be accounted for by the return of the lunar cycle, the moon having got back into the same relative position in which she was nineteen years ago. However this may be, I am afraid, sir, that she exerts too potent an influence over our legislation, or will have done so, if we agree to adopt the resolution on your table. I think about once in seven or eight years, for that seems to be the term of our political cycle, we may calculate upon beholding some redoubted champion—like him who prances into Westminster Hall, armed cap-a-pie, like Sir Somebody Dimock, at the coronation of the British King, challenging all who dispute the title of the Sovereign to the Crown—coming into this House, mounted on some magnificent project, such as this. But, sir, I never expected, that, of all places in the world, (except Salem,) a proposition like this should have come from Boston!

Sir, I am afraid, that, along with some most excellent attributes and qualities—the love of liberty, jury trial, the writ of habeas corpus, and all the blessings of free government, that we have derived from our Anglo-Saxon ancestors, we have got not a little of their John Bull, or rather John Bull Dog spirit—their readiness to fight for anybody, and on any occasion. Sir, England has been for centuries the game cock of Europe. It is impossible to specify the wars in which she has been engaged for contrary purposes; and she will, with great pleasure, see us take off her shoulders the labor of preserving the balance of power. We find her fighting, now, for the Queen of Hungary—then, for her inveterate foe, the King of Prussia—now at war for the restoration of the Bourbons—and now on the eve of war with them for the liberties of Spain. These lines on the subject were never more applicable than they have now become—

“Now Europe's balanced—neither side prevails;
For nothing's left in either of the scales.”

If we pursue the same policy, we must travel the same road, and endure the same burdens, under which England now groans. But, Mr. R. said, glorious as such a design might be, a President of the United States would, in his apprehension, occupy a prouder place in history, who, when he retires from office, can say to the people who elected him, I leave you without a debt, than if he had fought as many pitched battles as Cæsar, or achieved as many naval victories as Nelson. And what, said Mr. R.,

H. OF R.]

The Greek Cause.

[JANUARY, 1824.]

is debt? In an individual, it is slavery. It is slavery of the worst sort, surpassing that of the West India islands, for it enslaves the mind as well as it enslaves the body; and the creature who can be abject enough to incur and to submit to it, receives in that condition of his being an adequate punishment. Of course, Mr. R. said, he spoke of debt, with the exception of unavoidable misfortune. He spoke of debt caused by the mismanagement, by unwarrantable generosity, by being generous before being just. Mr. R. knew that this sentiment was ridiculed by Sheridan, whose lamentable end was the best commentary upon its truth. No, sir. Let us abandon these projects. Let us say to those seven millions of Greeks: "We defended ourselves, when we were but three millions, against a power, in comparison to which the Turk is but as a lamb. Go and do thou likewise." And, said Mr. R., so with respect to the Governments of South America. If, after having achieved their independence, they have not valor to maintain it, I would not commit the safety and independence of this country in such a cause. I will, in both these cases, pursue the same line of conduct which I have ever pursued, from the day I took a seat in this House in '99; from which, without boasting, I challenge any gentleman to fix upon me any colorable charge of departure.

The condition of my strength, said Mr. R., or, rather, of my weakness, admonishes me to conclude; but I cannot sit down without remarking, that the state of the world is at this moment unexampled. We are now carrying on a piratical war against the maritime banditti of the West Indies. The buccaneers are revived. At what expense of life, of health, of treasure, that war is carried on, perhaps every member of this committee knows better than I—but, sir, to what may this resolution lead? To the investing those banditti, and the banditti of all the rest of the world, with formal commissions, which the maritime courts of every country in Europe would be bound to respect—and, said Mr. R., I should not be surprised if some of the renegadoes, whom we have admitted to the privileges of citizens, or the yet more spurious offspring of our own soil, should take those commissions to cruise against our commerce. That such conduct would not be without example, the records of our courts will show.

It is not, then, the mere power of Turkey which you are to encounter, supposing that you stop short with the original resolution. But you do not—you go further—out of the frying pan into the fire—the amendment of the gentleman from South Carolina and the proposition of the gentleman from Kentucky, go still further—by adopting which, you will put the peace of the nation into peril—and for whom? For a people of whom we know almost as little as we do about the Greeks. Can any man in this House say, what even is the state of society in Buenos Ayres—its moral condition, &c.?

Let us adhere to the policy laid down by the

second, as well as the first founder of our Republic—by him who was the Camillus, as well as the Romulus, of the infant state;—to the policy of peace, commerce, and honest friendship with all nations, entangling alliances with none: for to entangling alliances we must come, if you once embark in projects such as this. And, with all his British predilections, Mr. R. said, he suspected he should, whenever that question should present itself, resist as strongly an alliance with Great Britain as with any other power. We were sent here, he said, to attend to the preservation of the peace of this country, and not to be ready, on all occasions, to go to war whenever any thing like what in common parlance is termed a turn up takes place in Europe.

These, sir, said Mr. R., are some of the views which I have taken of the subject. There are other views of it which I might take, but from which I abstain (I may be permitted to say) out of self-respect, as well as from respect for this committee.

I can, however, assure the committee, for one, that the public burdens on those whom I represent here, (though they are certainly better off than those to the north and the west of them—that is, till you come to the favored States, where the interest of the public debt is paid, and where almost all the public moneys are disbursed,) are greater than they can bear, because their private engagements are greater than they can discharge; and if this is not a self-evident proposition, I am at a loss to know what can be such. And this universal distress in the country has been the effect of freaks of legislation. I do not deny but there may be some who have drawn great prizes in the lottery, but that is not the case with the great mass of the nation. And what is this scheme but a lottery? If it should end in war, there will be more great prizes to be drawn; but it will be for me, those whom I represent, to pay them. I have been acquainted with my constituents a long time to little purpose, and have greatly mistaken their disposition and present temper of mind, if they are in any such "melting mood." The freaks of legislation to which I have referred, the vast expenditures which begot the necessities for over-issues of paper-money—that system, compared with which all the evils of Pandora's box are blessings—have brought both England and America to this distress. The two cases are strictly parallel—they run on all fours—and, if this resolution be adopted, not merely similar, but yet more disastrous consequences will ensue.

I shall then, said Mr. R., return to my constituents without the least alarm in regard to this question. Unless, indeed, I, and those who in this case think with me, have reason to fear that our constituents will award us merited censure for not having better supported the cause we advocate. Unless on this account, I cherish not the least doubt that when I, for

JANUARY, 1824.]

The Greek Cause.

[H. OF R.]

one, go back to those that sent me here, I shall be greeted with their honest, open countenances, and gratulating hands. There has not been a question, since I have been a member of this House, on which my opinion has been more clear than on this—no, not even in the case of the sedition law.

What, said Mr. R., is our situation? We are absolutely combating shadows. The gentleman would have us to believe his resolution is all but nothing; yet again it is to prove omnipotent, and fills the globe with its influence. Either it is nothing, or it is something. If it is nothing let us lay it on the table, and have done with it at once; but, if it is that something which it has been on the other hand represented to be, let us beware how we touch it. For my part, I would sooner put the shirt of Nessus on my back, than sanction these doctrines—doctrines such as I never heard from my boyhood till now. They go the whole length. If they prevail, there are no longer any Pyrenees—every bulwark and barrier of the constitution is broken down; it is become *tabula rasa*—a *carte blanche*, for every one to scribble on it what he pleases.

MONDAY, January 26.

The Greek Cause.

The House then resolved itself into a Committee of the Whole, on Mr. WEBSTER's and Mr. POINSETT's motions respecting the Greeks; when Mr. A. SMYTH, of Virginia, addressed the Chair.

Mr. Chairman: What are we called on to do? To acknowledge a new power; to introduce a new nation into the great family of nations. It has been said, that this resolution is perfectly harmless; that it leaves the acknowledgment to be made by the President of the United States, to whom it belongs. I cannot agree that the resolution is harmless, or that it leaves the acknowledgment to be made by the President. It declares that provision ought to be made, by law, for defraying the expenses of a mission to Greece. Is not this an acknowledgment of the independence of Greece? Yes, sir; 'this is an immediate acknowledgment, and one of the most solemn kind. An embassy to Greece, sent by the President, with the consent of the Senate, would be a less solemn recognition of the independence of the Greeks; for, by this resolution, a law is to be passed by Congress, declaring Greece an independent power. It will not only be an acknowledgment of a new power, by Congress, but by the President himself, if he should approve the act, and yet the initiative, in making the acknowledgment, will have been taken from him. Should such a law pass, the acknowledgment of Greece, as an independent nation, is complete. The mischief, if it is mischief, will have been done; and no subsequent prudence, on the part of the President, can avert the consequences, whatever they are to be. The nation must then be responsible.

Let us consider what will be the probable consequences of this acknowledgment. We must look into the history of nations. We are not to conclude, from the forbearance of Spain when we acknowledged the independence of her American provinces, that all other nations would be equally passive on a similar occasion. It is always a question of policy and discretion whether a Government, which may deem itself injured by such an acknowledgment, shall, or shall not, resort to war. The cases from which we derive the most aid, in deciding what is the Law of all Nations in this particular, are the cases of the United Provinces of the Netherlands, when they revolted against Spain, and the case of these United States, during our Revolution. According to these cases, the acknowledgment of a new power, during the civil war which follows the revolt of provinces against the mother country by a third power, is to the mother country cause of war. It will be recollected that, during the war of our Revolution, England made war on France and other European powers, for favoring us.

When a people have declared, and also maintained, their independence, they may be acknowledged as an independent power without giving just cause of war to their former sovereign. Can that be affirmed with regard to the Greeks? By no means. They have not yet achieved, much less maintained, their independence. They possess the Morea, a small part of continental Greece; but the latest accounts inform us that they have been driven from Athens to take refuge in one of the islands. It might have been timely affirmed of some of the Spanish provinces, when their independence was acknowledged by us, that they had maintained it.

It having been shown that the acknowledgment of a revolted province as an independent nation, by a third power, while the mother country still carries on a war for the purpose of asserting a right to such province, would be considered a cause of war by the most civilized nations, can we doubt that it would be deemed cause of war by the Government of Turkey, the most violent and lawless of all Governments? The honorable member from Kentucky (Mr. CLAY) supposes that the resolutions of this body may remain unknown to the Turkish Divan. But it is not at all probable that a measure of this kind would remain long unknown to them. Some power would immediately communicate our proceedings to the Turk, and explain to him, that, by them, we had violated the usages of nations. When we proposed confidentially, to the British Government, to acknowledge the independence of the Spanish American provinces, that court, then less friendly, perhaps, to us, than at this time, immediately communicated our proposition to the Spanish Government, with a view, no doubt, to embroil us with Spain.

This proceeding would be a violation of our declared principles. The President has declared

to the Allies, that "We should consider any attempt, on their part, to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies (meaning Greece) of any European power, (meaning Turkey,) we have not interfered, and shall not interfere. But with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States. * * * * Our policy in regard to Europe which was adopted at the early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is not to interfere in the internal concerns of any of its powers. * * * * It is impossible that the Allied Powers should extend their political system to any portion of either continent, without endangering our peace and happiness. * * * * It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference." Such, sir, are the principles declared by the President in the name of the nation. We say to the Allies, that any attempt on their part to extend their system to any portion of this hemisphere, we shall consider as dangerous to our peace and safety. And is not the extension of our system to their hemisphere equally dangerous to their peace and safety? We say that, with the existing colonies or dependencies of any European power we have not interfered, and shall not interfere. How can we then interfere with the Morea, a province of Turkey, without a violation of our solemn declaration? Sir, by this proceeding, you will make the declaration of the President, as to the future course of policy to be observed by this Government, a falsehood. We acknowledge the Greek republic; and what are the reasons which we assign for doing so? Why, because the allied sovereigns have said that the Greeks have thrown a firebrand into the Ottoman empire, and have declared that they would put down revolution in Europe. Is not this going out of our way to beard the Allies? to seek a quarrel with them respecting the affairs of Europe; and to propagate our system on the other side of the Atlantic?

Another weighty objection to the resolution, Mr. S. said, was, that it was an interference with the Executive power. The people of the United States have separated the powers granted by them between the several branches of the Government. This proposition goes to blend those powers; and every attempt unreasonably to extend the powers of the Government, or to blend the powers of the several departments, tends to the destruction of the constitution. This is an attempt to dictate to the Executive the performance of an act which the constitution has confided to the discretion and information of the President.

I need not, said Mr. S., read clauses from the constitution, which has been laid on every gentleman's table. The President is authorized to receive embassies; this is one mode of acknowledging a foreign power; he is also authorized to send embassies, by the consent of the Senate; this is another mode of recognizing a foreign power; he also, by the same consent, ratifies treaties. With all this the House of Representatives have nothing to do. If you have nothing to do with a treaty, why should you prescribe when, or to whom, an embassy shall be sent? The powers granted to you are purely legislative, with the exception of the power to declare war, which is elsewhere intrusted to the Executive authority. The foreign relations of the nation are confided by the people to the President and Senate, in whose superior information and discretion reliance is placed. If you interfere with the power to send and receive embassies, you may come into collision with the President, and you will blend powers which the people intended should be kept distinct. As the authority to send embassies belongs to the President and Senate, we should not invade their authority or originate a measure which, unless they will give up a part of their exclusive authority, they must reject. Your law is not necessary to enable the President to send an embassy; he is possessed of the authority already. If you pass the bill proposed, the President will not be left at liberty to decide freely. He must acknowledge the independence of Greece, or reject your bill. You place him in a painful dilemma, and, perhaps, compel him to use a prerogative seldom exerted. But suppose that, believing the measure to be improper, he puts his veto on the bill; still, two-thirds of both Houses may pass it into a law, and thus acknowledge the republic of Greece, against the opinion of the President, in whose discretion the people particularly confide, and thus defeat the provisions of the constitution—a popular assembly, carried away by eloquence and a love of liberty, deciding, instead of the cool, deliberate caution of the President. If you can pass a law to send a mission when the President pleases, you can pass a law to send a mission next month. In either case, it would be the law that would make the acknowledgment. Your act being the supreme law of the land, the flag of Greece would be respected in our courts as the flag of an independent power, whether the embassy was ever sent or not. We acknowledge the independence of powers with whom we have no ambassadors.

The gentleman from Kentucky (Mr. CLAY) declares that he is for leaving the whole responsibility with the President, where the constitution placed it; yet, he advocates a measure which, so far as respects the act of acknowledgment, leaves nothing to the discretion or responsibility of the President, but takes from him the one and relieves him from the other. The act of Congress will be the acknowledgment, and not the embassy.

JANUARY, 1824.]

The Greek Cause.

[H. OF R.]

We are sitting in judgment on the Russian and the Turk. But what right have we to judge of their acts, unless they affect us? And we are about to take measures on our own behalf. What right have we to judge between the Turk and his revolted subjects, unless our own interest or safety is concerned? We should not take it well that our proceedings should be denounced by foreign Governments. We do not take it well that the Russian Minister, at the court of Spain, denounces the United States as the source of all the evils which have disturbed the nations and sovereigns of Europe; and we should take it worse were the like denunciations made by his master. What have we to do with the oppressions of the Governments of China, India, Turkey, or France, unless we are about to relieve the oppressed? We have nothing to do with the wrongs committed by other Governments against those whom they govern, but to avoid their example.

You profess to interfere on behalf of the Greeks for liberty and religion. What have you to do with the liberty of any people, except the people you govern, unless the subjection of a neighboring foreign people endangers your safety? You have nothing to do with religion, even here, and why should you meddle with it elsewhere? In a treaty made with one of those Turkish nations, during the Administration of Mr. Adams, it was explicitly and truly declared that the Government of the United States is in no respect founded on religion. The Turk may become a citizen of the United States, and have his mosque in our country, as well as the Jew his synagogue. You interfere for Grecian liberty, for the liberty of the descendants of the ancient Greeks, to whom you owe a debt of gratitude; but the modern Greeks cannot be identified with the people who produced Aristides and Socrates. Greece has been often conquered, and foreign people have planted themselves there. The modern Greeks are a religious sect, professors of the Greek Church. What entitles the inhabitants of Moldavia and Wallachia to the name of Greeks? They are so called from their religion, as the Emperor of Russia is styled Emperor of the Greeks. These people are descended from inhabitants of the Greek empire, and it is religion that separates them from the Turks. You interfere for the most degraded of the people of Europe, and the least fit for self-government.

Justice is not done to the Turk in this debate; but the author of evil himself is entitled to justice. It has been said that "the massacre of Scio is a scene without parallel in the history of fallen man." Atrocious as it was, there are many cases in ancient and modern times, of massacres far exceeding in atrocity the massacre of Scio. Far be it from me to offer any apology for acts that I abhor, but error should be corrected. To enable us to make a just comparison between the Turks and their neighbors, I will direct your attention to some massacres of

the Russians in modern times. On the capture of Ismael, in 1790, thirty thousand Turks were massacred in cold blood, and the city given up to brutality. On the taking of Warsaw, in 1794, nine hours after the place was taken, it was set on fire, and nine thousand unarmed persons, women and infants, perished in the flames. These exploits were performed during the reign of the august lady who has been mentioned in this debate; and by Suwarrow, who afterwards became so great a favorite in this country that several articles of dress, some of them belonging to the fair sex, were called after him. A massacre in Cyprus has been mentioned; this reminds me of the massacre in the same island by the Jews of two hundred and forty thousand Greeks, many of whom perished by tortures. When the Christian Ostrogoths took Milan, they massacred all the males, and sent three hundred thousand females to their allies, the Burgundians. We have been carried on a crusade to Jerusalem, to recover the holy sepulchre. It may be well to consider the achievements of the former crusaders. When they took Jerusalem, seventy thousand Moslems were put to the sword, and the Jews were shut up in their synagogues, and burned! Sir, uncivilized men, of whatever faith, are the same. It is civilization, and not superstition, that makes man humane and merciful. The Turks are equally good, and equally bad, with Jews and Christians who are equally uncivilized.

In religion, the Turks are more tolerant than their Christian neighbors. It has been said in this debate, that seven millions of Christians, of the Greek church, are found in the Turkish empire. This proves that the Mahometan is more tolerant than the Holy Catholic Church. Where will you find seven millions of dissenters in a Catholic country? Go to Portugal, to Spain, to Italy, to Austria, even to France, you will not find that the same toleration has been allowed as in Turkey. The Mahometan conquerors offered a double alternative; the Koran, the tribute, or the sword. It was not so in Catholic countries. Remember the extirpation of the Albigenses—the persecution of the Netherlands, under the Duke of Alva—the expulsion of the Huguenots from France—the expulsion of the Moors from Spain—the Inquisition—and it will be obvious that a comparison between the tolerance of the Turks and the Catholics, is altogether in favor of the Turks.

Sir, the present is a time of imminent danger, and, therefore, a time for caution. Remember the words of WASHINGTON: "Why quit your own, to stand on foreign ground?" Meddle not with Greece. I tell you, that Greece cannot exist as a Republic; and if allowed to become a separate nation, under a prince of her own, it must be under the control of Russia. From the position of Greece, between Russia, Austria, and Turkey, it cannot maintain itself as an independent nation. The revolt of Greece would not have been allowed to continue until this time, but that Austria and Russia cannot agree

what shall become of that country, which each of them desires to possess. Can it be supposed that the Allies, who are not disposed to allow the independence of South America, who scarcely tolerate us, will permit two or three millions of half civilized people, in their vicinity, to form a Republic? It is not to be expected. The most that can be done for the advantage of the Greeks, is to assist them to obtain favorable terms from the Turks. Our interference may furnish a pretext to men of blood—to come upon us; and, whatever may be said of the strength of the United States, I am not for exposing it to trial, in a contest with the Allies.

The extensive and enlightened view of the policy pursued by the Allied Powers, taken by the honorable member from Massachusetts, (Mr. WEBSTER,) authorizes a few remarks upon the same subject. It seems to me that our policy is to give no reasonable cause of offence, and to stand on our guard. It belongs to England to interfere with Greece, or the Allies; and if she is involved in a war with the Allies, for the independence of nations, we ought to give her assurance that we will not be neutral, but will give her faithful and honorable support. If we are to be engaged in war with all the powers of Europe, it may be better to begin while we can have allies in the Spanish American nations; for, it will be obvious, if the Allies attack them, that nothing is intended for us, but the favor of being the last destroyed.

The cause of freedom, the hope of mankind, depends on the ultimate success of the hitherto successful experiment in the science of government, making in the United States. When we consider the importance of the interests confided to us, it must appear unpardonable wantonly to hazard the success of that experiment. If there be a mode of destroying civil liberty, it is by leading this Government into unnecessary wars. There can be no increase of the happiness of this people. Individuals may experience wants; but, as a nation, we have nothing more to ask of Heaven. All we have to ask of other nations is, friendship and "let us alone." What shall we deserve if, without necessity, we plunge this happy people into war and distress? Whatever may be said of the valor of our people, and the glory of the nation, I should be very unwilling to engage in a war with Europe. We might defend ourselves. I think we should successfully defend ourselves. I am no prophet of evil. We do not act on our own responsibility; we act for an immortal people. This people are to be immortal; but whether in freedom or abject subjection, is uncertain. This people are to be responsible for our acts, with their treasure and their blood. I am not disposed to bring upon them a trial, such as Spain passed through, in the war waged against that nation, for the purpose of placing Joseph Bonaparte on the throne.

England and the United States seem to me to have a common interest to resist these unholy Allies. There are now only two powers in Eu-

rope—England and the Allies. If Greece can become an independent nation, let one of them take the first step in the recognition. The Allies are ruled by Russia. England holds the fate of the world. Calculating on her policy, I think she will, she must, make a stand against Russia. As England cannot become the head of the Alliance, her pride secures us. She might become one hand of the Alliance, allowing France to be the other, and Russia the head; but that situation would not gratify her pride. England will make a stand against the Allies, and we should support her. But she will not strike for Greece; she will pursue another course of policy, and with good reason. It is the interest of England to prevent the extension of Russian power. To prevent this extension, it is necessary that the Turkish Empire should be maintained one and indivisible. England may strike for Turkey, because, with English aid, Turkey may stand against Russia. England will, if necessary, strike for the independence of the new nations of Spanish America. She will not suffer the Allies to add them to their confederacy, or Spain to blot them from the map of the world. My enmity to England has been very steady for many years, but it shall cease if England takes up arms for the independence of nations. England and the United States can secure the independence of nations. Whether the United States, without England, could, must be proved by time.

Let us leave the fate of Greece and of Turkey to England. If it is the interest of England that the Turkish Empire shall remain undivided, it is ours. If it is the interest of England that Turkey and Persia should be at peace, because their wars endanger the religion of Islam, it is ours. England and the United States have now a common cause and a common interest. Russia is now the great enemy of the independence of nations and of free institutions. England will not acknowledge the independence of Greece, for that would divide and weaken the Turkish Empire; and what will then stop the progress of Russia? Neither Persia nor India. Russia will establish an empire greater than the Roman, in the zenith of its power; from the authority of which, it will be in vain for man to attempt to escape. Sir, our course, I think, is plain. Let us be moderate and just. Let us offer no aggression; throw out no menaces, and give the Allies no pretext to quarrel with us.

The committee then rose, and the House adjourned.

TUESDAY, January 27.

Report of the Postmaster General.

The SPEAKER laid before the House a report of the Postmaster General, of such "further measures as are necessary to provide for a more equitable compensation to deputy postmasters, according to the duties and services rendered by them," prepared in obedience to a resolution of the House of Representatives, adopted at the

JANUARY, 1824.]

Navy Peace Establishment.

[H. OF R.]

last session of Congress; which report was read, and laid on the table. It is as follows:

POST OFFICE DEPARTMENT, Jan. 24, 1824.

SIR: In obedience to a resolution of the House of Representatives of the United States, at their last session, which "directed the Postmaster General to report, at an early period of the next session of Congress, what further measures are necessary to provide for a more equitable compensation to deputy postmasters, according to the duties and services rendered by them," I have the honor to report, that the present mode of compensating deputy postmasters, by giving them a graduated per cent. upon moneys received by them, is believed to be, in most cases, the most equitable that can be adopted. So far as this compensation extends, it is generally proportioned to the labor required, and the responsibility incurred.

Deputy postmasters, with a few exceptions, receive less for their services than any other officers of the General Government. But, as competent persons to discharge the duties of postmasters have been found willing to serve, in every part of the country, and as the present embarrassment of this Department requires the utmost economy in its expenditures, it is believed that the public interest would not, at this time, be promoted, by a general increase of their compensation. A small addition of pay to each postmaster would afford but little benefit to the individual, whilst it would take from the receipts of the Department an amount so considerable, as to render an appropriation from the Treasury indispensable. There are, however, some post-offices, where the labor is great, and the perquisites so small, that, unless some additional compensation be given, it is feared competent persons cannot long be found to discharge the duties.

I have endeavored, though unsuccessfully, to fix upon some rule, which would give additional compensation, where it seems to be indispensable, without extending the provision so far as to render the amount objectionable. It is believed that no provision can be made, embracing a class of cases, so as to give an increase of pay, in the just proportion which the services require.

There are several hundred offices at which packages are distributed, for which no additional compensation is given. In some cases this duty is very laborious, whilst the perquisites of the offices are very small. An increased per cent. upon the moneys received by each, would not graduate the pay in proportion to the service required, as, at some offices, which receive not more than one hundred and fifty dollars, this service is as laborious as at others, where more than a thousand dollars are received. If, in such cases, an increase of ten per cent. were given, the compensation to some would be more than six times greater than to others.

More than seventy offices distribute packages after ten o'clock at night, and before five in the morning. Postmasters who discharge this duty, are entitled to consideration, not only on account of the labor which they perform, but the unreasonable hours in which they are required to perform it. But, in these cases, an additional per cent. on the moneys received, would not do equal justice, as the disproportion for compensation, for similar services, would be as great as above stated.

A specific sum, given to each postmaster for this service, would not compensate in proportion to the la-

bor performed, as the labor at some offices is ten times greater than at others.

If the means of the Department would authorize the measure, an increase of pay to postmasters who separate packages, and to some others, would be neither unjust nor impolitic; but, at present, it seems to be necessary to confine any provision for an increase within very narrow limits.

On a full consideration of the subject, it is believed that a special provision, in each case where an increase of pay shall be deemed indispensable, can be made with more justice to the postmaster, and less injury to the revenue of the Department, than any other mode which can be adopted.

Which is respectfully submitted.

JOHN McLEAN.

HON. HENRY CLAY,

Speaker House of Representatives.

FRIDAY, January 30.

Navy Peace Establishment.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 15th of December last, requesting the President of the United States "to communicate a plan for a Peace Establishment of the Navy of the United States," I herewith transmit a report from the Secretary of the Navy, which contains the plan required.

In presenting this plan to the consideration of Congress, I avail myself of the occasion to make some remarks on it, which the importance of the subject requires, and experience justifies.

If a system of universal and permanent peace could be established; or, if, in war, the belligerent parties would respect the rights of neutral powers, we should have no occasion for a navy or an army. The expense and dangers of such establishments might be avoided. The history of all ages proves that this cannot be presumed; on the contrary, that at least one-half of every century, in ancient as well as modern times, has been consumed in wars, and often of the most general and desolating character. Nor is there any cause to infer, if we examine the condition of the nations with which we have the most intercourse and strongest political relations, that we shall, in future, be exempt from that calamity, within any period, to which a rational calculation may be extended. And as to the rights of neutral powers, it is sufficient to appeal to our own experience to demonstrate how little regard will be paid to them, whenever they come in conflict with the interest of the powers at war, while we rely on the justice of our cause and on argument alone. The amount of the property of our fellow-citizens, which was seized and confiscated, or destroyed, by the belligerent parties, in the wars of the French revolution, and of those which followed, before we became a party to the war, is almost incalculable.

The whole movement of our Government, from the establishment of our independence, has been guided by a sacred regard for peace. Situated, as we are, in the new hemisphere; distant from Europe, and unconnected with its affairs; blessed with the happiest Government on earth, and having no objects of ambi-

sion to gratify; the United States have steadily cultivated the relations of amity with every power. And if, in any European wars, a respect for our rights might be relied on, it was undoubtedly in those to which I have adverted. The conflict being vital, the force being nearly equally balanced, and the result uncertain, each party had the strongest motives of interest to cultivate our good will, lest we might be thrown into the opposite scale. Powerful as this consideration usually is, it was nevertheless utterly disregarded, in almost every stage of, and by every party to, those wars. To these encroachments and injuries, our regard for peace was finally forced to yield.

In the war to which at length we became a party, our whole coast, from St. Croix to the Mississippi, was either invaded or menaced with invasion; and in many parts, with a strong, imposing force, both land and naval. In those parts where the population was most dense, the pressure was comparatively light; but there was scarcely a harbor or city, or any of our great inlets, which could be considered secure. New York and Philadelphia were eminently exposed, the then existing works not being sufficient for their protection. The same remark is applicable, in a certain extent, to the cities eastward of the former; and as to the condition of the whole country southward of the latter, the events which marked the war are too recent to require detail. Our armies and navy signalized themselves in every quarter where they had occasion to meet their gallant foe, and the militia voluntarily flew to their aid, with a patriotism, and fought with a bravery, which exalted the reputation of their Government and country, and which did them the highest honor. In whatever direction the enemy chose to move with their squadrons and to land their troops, our fortifications, where any existed, presented but little obstacle to them. They passed those works without difficulty. Their squadrons, in fact, annoyed our whole coast, not of the sea only, but every bay and great river throughout its whole extent. In entering those inlets and sailing up them with a small force, the effect was disastrous, since it never failed to draw out the whole population on each side, and to keep it in the field while the squadron remained there. The expense attending this species of defence, with the exposure of the inhabitants, and the waste of property, may readily be conceived.*

The occurrences which preceded the war, and those which attended it, were alike replete with useful instruction as to our future policy. Those which mark the first epoch, demonstrate clearly, that, in the wars of other powers, we can rely only on force for the protection of our neutral rights. Those of the second demonstrate, with equal certainty, that, in any war in which we may be engaged hereafter, with a strong naval power, the expense, waste, and other calamities, attending it, considering the vast extent of our maritime frontier, cannot fail, unless it be defended by adequate fortifications and a suitable naval force, to correspond with those which were experienced in the late war.

Two great objects are therefore to be regarded in the establishment of an adequate naval force: The first, to prevent war, so far as it may be practicable; the second, to diminish its calamities, when it may

be inevitable. Hence, the subject of defence becomes intimately connected, in all its parts, in war and in peace, for the land and at sea. No Government will be disposed, in its wars with other powers, to violate our rights, if it knows we have the means, are prepared, and resolved, to defend them. The motive will also be diminished, if it knows that our defences by land are so well planned and executed, that an invasion of our coast cannot be productive of the evils to which we have heretofore been exposed.

It was under a thorough conviction of these truths, derived from the admonitions of the late war, that Congress, as early as the year 1816, during the term of my enlightened and virtuous predecessor, under whom the war had been declared, prosecuted, and terminated, digested, and made provision for, the defence of our country, and support of its rights, in peace as well as in war, by acts, which authorized and enjoined the augmentation of our Navy, to a prescribed limit, and the construction of suitable fortifications throughout the whole extent of our maritime frontier, and wherever else they might be deemed necessary. It is to the execution of these works, both land and naval, and under a thorough conviction that by hastening their completion I should render the best service to my country, and give the most effectual support to our free republican system of Government that my humble faculties would admit of, that I have devoted so much of my time and labor to this great system of national policy, since I came into this office, and shall continue to do it, until my retirement from it, at the end of your next session.

The Navy is the arm from which our Government will always derive most aid in support of our neutral rights. Every power engaged in war will know the strength of our naval force, the number of our ships of each class, their condition, and the promptitude with which we may bring them into service, and will pay due consideration to that argument. Justice will always have great weight in the Cabinets of Europe; but, in long and destructive wars, exigencies often occur which press so vitally on them, that, unless the argument of force is brought to its aid, it will be disregarded. Our land forces will always perform their duty in the event of war; but they must perform it on the land. Our Navy is the arm which must be principally relied on for the annoyance of the commerce of the enemy, and for the protection of our own; and also, by co-operation with the land forces, for the defence of the country. Capable of moving in any and every direction, it possesses the faculty, even when remote from our coast, of extending its aid to every interest on which the security and welfare of our Union depend. Annoying the commerce of the enemy, and menacing, in turn, its coast, provided the force on each side is nearly equally balanced, it will draw its squadrons from our own; and, in case of invasion by a powerful adversary, by a land and naval force, which is always to be anticipated, and ought to be provided against, our Navy may, by like co-operation with our land forces, render essential aid in protecting our interior from incursion and depredation.

The great object, in the event of war, is to stop the enemy at the coast. If this is done, our cities, and whole interior, will be secure. For the accomplishment of this object, our fortifications must be principally relied on. By placing strong works near the mouths of our great inlets, in such positions as to command the entrance into them, as may be done in

* Railroads, and the volunteer system, have altered all this. The fear of invasion, once so imposing, is now a procession that has passed by; and all that we could ask of a foreign enemy now, would be to come ashore.

FEBRUARY, 1824.]

Surveys for Roads and Canals.

[H. OF R.]

many instances, it will be difficult, if not impossible, for ships to pass them, especially if other precautions, and particularly that of steam-batteries, are resorted to, in their aid. In the wars between other powers, into which we may be drawn in support of our neutral rights, it cannot be doubted that this defence would be adequate to the purpose intended by it; nor can it be doubted that the knowledge that such works existed, would form a strong motive, with any power, not to invade our rights, and thereby contribute essentially to prevent war. There are, it is admitted, some entrances into our interior, which are of such vast extent, that it would be utterly impossible for any works, however extensive, or well posted, to command them. Of this class, the Chesapeake Bay, which is an arm of the sea, may be given as an example. But, in my judgment, even this bay may be defended against any power with whom we may be involved in war as a third party, in the defence of our neutral rights. By erecting strong works at the mouth of James River, on both sides, near the Capes, as we are now doing, and at Old Point Comfort and the Rip Raps, and connecting those works together by chains, whenever the enemy's force appeared, placing in the rear some large ships and steam-batteries, the passage up the river would be rendered impracticable. This guard would also tend to protect the whole country bordering on the bay, and rivers emptying into it; as the hazard would be too great for the enemy, however strong his naval force, to ascend the bay, and leave such a naval force behind; since, in the event of a storm, whereby his vessels might be separated, or of a calm, the ships and steam-batteries, behind the works, might rush forth and destroy them. It could only be in the event of an invasion by a great power, or a combination of several powers, and by land as well as by naval forces, that those works could be carried; and even then, they could not fail to retard the movement of the enemy into the country, and to give time for the collection of our regular troops, militia, and volunteers, to that point, and thereby contribute essentially to his ultimate defeat and expulsion from our territory.

Under a strong impression, that a Peace Establishment of our Navy is connected with the possible event of war, and that the naval force intended for either state, however small it may be, is connected with the general system of public defence, I have thought it proper, in communicating this report, to submit these remarks on the whole subject.

JAMES MONROE.

WASHINGTON, January 30, 1824.

The Message was referred to the Committee on Naval Affairs.

TUESDAY, February 10.

Surveys for Roads and Canals.

The House then resumed the consideration of the report of the Committee of the Whole, on the bill to obtain the necessary plans, estimates, &c., in relation to roads and canals.

Mr. FLOYD moved to strike out the enacting clause of the bill—but, at the suggestion of Mr. RANDOLPH, withdrew the motion; and

Mr. RANDOLPH moved that the consideration of the bill be indefinitely postponed; and, on his motion, the ayes and noes were ordered to be taken upon it.

Before the question was taken, however,

Mr. SAUNDERS moved that the bill be recommended to the Committee on Roads and Canals, with instructions "to designate such roads and canals of a national importance in a commercial or military point of view, or necessary for the transportation of the public mail, as may be deemed proper and expedient to have surveyed and reported upon."

And the question being on recommitment, it was then put on the motion of Mr. SAUNDERS, to recommit the bill with instructions, and the yeas and nays stood—yeas 88, nays 116.

The question recurring on Mr. RANDOLPH's motion for indefinite postponement, it was decided by yeas and nays—yeas 86, nays 118.

So the House refused to postpone the bill.

The question was then put on engrossing the bill for a third reading—and the yeas and nays being called for by Mr. McCoy, stood as follows:

YEAS.—Messrs. Abbot, Alexander of Tennessee, Allen of Tennessee, Allison, Bailey, Baylies, J. S. Barbour, Bartley, Beecher, Blair, Breck, Brent, Brown, Campbell of Ohio, Carter, Cassedy, Condict, Cook, Crowninshield, Cushman, Cuthbert, Durfee, Dwight, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Forward, Forsyth, Fuller, Garrison, Gaslay, Govan, Gurley, Hamilton, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Ingham, Isaacs, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kromer, Lawrence, Lee, Letcher, Little, Livingston, Locke, McArthur, McDuffie, McKean, McKee, McKim, McLane of Delaware, McLean of Ohio, Martindale, Marvin, Matlack, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Neale, Nelson, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reynolds, Rich, Rogers, Ross, Sandford, Scott, Sloane, Wm. Smith, Spence, Standefer, J. Stephenson, Stewart, Storrs, Strong, Swan, Test, Thompson of Kentucky, Tod, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Wayne, Webster, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, and Wilson of Ohio—115.

NAYS.—Messrs. Alexander of Virginia, Allen of Massachusetts, Archer, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Bradley, Buck, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Collins, Conner, Crafts, Craig, Culpeper, Day, Dwinell, Eaton, Edwards of North Carolina, Findlay, Floyd, Foot of Connecticut, Foote of New York, Frost, Garnett, Gatlin, Gist, Hall, Harvey, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Kidder, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Long, Longfellow, McCoy, Mangum, Mallary, Markley, Matson, Plumer of New Hampshire, Randolph, Reed, Richards, Rives, Saunders, Sharpe, Sibley, Arthur Smith, Alexander Smyth, Spaight, Sterling, A. Stevenson, Stoddard, Taylor, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Tucker of Virginia, Tucker of South Carolina, Tyson, Van Rensselaer, Van Wyck, Whipple, Whitman, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, Wood, and Woods—86.

To-morrow was then assigned for the third reading of the said bill.

The Tariff Bill.

Mr. TON then moved that the House go into Committee of the Whole on the state of the Union, with a view to take up the bill for a revision of the tariff.

Mr. RANDOLPH rose, and said: "Sufficient for the day is the evil thereof"—I hope the House will do no such thing.

Mr. HAMILTON was going on with some remarks, bearing in part on the merits of the bill, when Mr. TAYLOR called him to order—and the Chair decided that he was out of order, on a question merely to take up the bill, to go into its merits.

The question was then put on Mr. TON's motion, and carried—ayes 93, noes 82.

The House accordingly went into Committee of the Whole on the state of the Union, Mr. CONDICT in the chair; and, on motion of Mr. TON, took up the tariff bill; which was read, in part, at the Clerk's table.

Some progress having been made in the reading—

On motion of Mr. WEBSTER, the committee rose, reported progress, and had leave to sit again.

WEDNESDAY, February 11.

The Tariff Bill.

On motion of Mr. TON, the House went into Committee of the Whole, (Mr. CONDICT in the chair,) on the bill to amend the several acts for imposing duties on imports.

Mr. TON said, that the subject of protecting domestic manufactures, by duties on imports, had been so often discussed, that a particular explanation on the part of the committee, would not probably be wanted. That he should state the details and objects of the bill, and some of the reasons in their favor, as briefly as possible. That there was nothing here proposed that was new in principle—nothing but to extend and equalize a system which experience had shown to be most beneficial, and to give to other departments of domestic industry, and other oppressed portions of the community, something of that protection which our laws had so liberally and wisely given to the cultivators of cotton, of sugar, and to all the interests of navigation.

One object of the bill, said Mr. T., is, that, as to some certain manufactured articles, the raw materials of which exist in abundance at home, we should, by legislative provision, give to our own workmen, not the exclusive supply and command of even our own market, but barely give them a part of the business of furnishing our own people with the plain, rough necessities of life. That another object of equal importance was that, instead of continuing to support the agriculturists of Europe in almost every thing, we may be compelled, by using more home manufactured articles, to give to the farmers of our own country some market for their products. And another object, not inferior in magnitude to either of the former two, was, to

give to the country that strength and power which arises from possessing, within itself, the means of defence, and to rescue it from the danger and disgrace of habitual reliance upon foreign nations for the common daily necessities of life.

That the duties proposed were upon two distinct classes of articles. One class is that upon silks, linens, cutlery, spices, and some other things of less importance, most of which are not necessities by any means, and which, with few exceptions, do not much interfere with any home production, or with any manufacture which the country is now prepared for. That most of these articles were charged, in the bill, with the identical increase recommended by the Secretary of the Treasury—this for the purpose of revenue chiefly, and to make up to the Government the deficiencies which may probably be occasioned by checking the excessive importation of other articles—but, that the important duties proposed in the bill were for the purposes of protection, and were upon iron, hemp, lead, glass, wool, and woollen goods.

Mr. T. said he was not going to trouble the committee with a debate upon the question, whether our country ought to be dependent upon the monarchies of Europe for those necessary articles, if such dependence can be avoided. Upon that matter he was content to take the opinion of the committee, such as it was already, and would go on to ask whether such dependence could be avoided.

It is known that almost every State in the Union is capable of producing iron sufficient for the supply of its own population, and many of them a great deal more; and that this can be effected without taking a single hand from any profitable employment, and without any stimulus, except that of a market.

As to hemp, it was not extravagant to say, that, of first-rate hemp land, for every one acre which can be found, throughout all Europe, we have, perhaps, ten acres cleared, and not applicable to any other profitable cultivation. That in lead, we may challenge the globe, having not mines only, but whole territories of the richest ore, perfectly inexhaustible, and this in the vicinity of navigable waters. That, of wool, it was certain that not only every State, but every district of every State, was capable of producing enough, at least, for all our own uses. That of glass, the materials are every where. If Providence, said Mr. T., meant any country to be independent of others for the means of subsistence, that country is ours. The question then comes, Have our people industry and spirit enough to make use of these natural advantages of the country? The only effectual protection, generally, which our manufacturers ever had, was by the late war. Thus, possessing by accident what other nations give by legislation to their own people, the command of the home market, our workmen made a progress that never was exceeded any where. Iron was fabricated to an extent wanting but about three

FEBRUARY, 1824.]

The Tariff Bill.

[H. OF R.]

thousand tons of the whole consumption of the country. Our woollen manufactures, though not quite so far advanced, were carried on with equal vigor, and with the same prospect of ultimate success, or rather with the same certainty of soon becoming fully adequate to the wants of the country. Our home supply of white and red lead, and shot, was equally sufficient. Earthen wares were fabricated in immense quantities, and with an elegance beginning to rival the workmanship of Europe. In glass, our people not only began to rival, but actually had rivalled, the workmen of England. Except some fine articles rarely wanted, we were supplied altogether from the home manufacture. It is notorious, said Mr. T., that all our manufactures of iron, lead, glass, earthen wares, woollen and cotton goods, flourished. We say that they also caused the country to flourish, by giving employment to the industrious, a market to the farmer, value to property, life to every sort of valuable business.

Peace came, and shortly after, the new tariff. It may, said Mr. T., be deemed absurd to argue now against a law which passed eight years ago, and the mischief of which, whatever it is, may now be supposed to be done and irretrievable. But the mischief of it is not yet finished. The tariff of 1816, is what is here proposed to be repealed in part, and it is necessary now to protest against the impolicy of the measure. What at that time was the situation of the country every one knows. The most important of our manufacturing establishments were just beginning. They were yet to gain skill in management, system, habit, all the indispensable requisites which experience only can give. Probably nine-tenths, at least, of the owners were in debt, and only getting slowly out of it by the weekly profits of their business. In a word, according to the emphatic name long ago given by universal popular consent, they were, in every respect, infant manufactures. To expect that, under such circumstances, our countrymen should be able to rival in cheapness the old, established foreign manufactures, was to expect what never yet happened in any country. So that, what in 1816 was called a moderate protecting duty, would scarcely have been adequate protection against a fair and liberal European competition, but was absolutely nothing against the little tricks of oppression by which wealthy foreign manufacturers can afford to throw away cargoes of their goods, at reduced prices, or at no prices, in order to break down a growing rival, and indemnify themselves by fleecing the whole country afterwards.

It was not, continued Mr. T., said or believed, that there was any design by the tariff of 1816, to put down our rising manufactures. But the mistake was not pernicious.

It was the fashion of the day to consider the question of protection to domestic industry, not as a question between our manufacturers and those abroad, or between our own country and foreign nations, but as a question merely be-

tween our own manufacturers on the one side, and all the remaining classes of our own people on the other; and that whatever could be withheld from the mechanic was not to be lost to the nation—not at all, but only divided among the farmers, the planters, and the merchants. Then there was the cry about taxing the many for the benefit of the few; and monopoly. But what had chief effect in destroying our manufactures, and almost bringing us back again into colonial bondage, was that theory of foreign speculative writers called political economists. A doctrine which is now mentioned, because it is yet adhered to, and if not opposed, is now as conclusive against the bill as it was in 1816 against any efficient protection of domestic industry. This doctrine teaches that all interference like the present, by legislation, has merely the effect to force capital from one employment into another. That this forcing can only be from an employment more productive into an employment less productive, to the certain injury of the community. The argument prevailed. We have seen the effects.

Under this tariff, said Mr. T., first went all the newly erected manufactures of earthen ware. They and their workmen are now no more talked of than if they never had existed. In the same way went the most of our glass factories, our manufactures of white and red lead, our woollens, our hemp. Domestic iron has lingered a while longer, and still holds a feeble existence, dwindling every year, and gradually sinking under foreign importations. All the devastations and losses of the war were nothing compared with the devastations and losses of manufacturing capital under the tariff of 1816.

Thus, sir, said Mr. T., for these plain, common necessities, which our own country is so competent to produce, lead, hemp, earthen wares, woollen goods, and unmanufactured iron, we go on paying a tribute to foreigners of more than thirteen millions of dollars a year; and, from a visionary fear of forcing capital into an unproductive channel, by protecting domestic industry, we have ended by forcing our own manufacturing capital into non-existence, and our workmen into beggary. What advantage has accrued to any portion of the community to compensate for this loss? Who is benefited? Not the farmer. His share of the gains from the suppression of manufactures is only to have the produce of his farm left perishing on his hands for want of a market. As little has the merchant gained, whose profits have been sinking with the decay of domestic industry. As little has the Government gained, which, twice, in time of peace, has been compelled to resort to loans to defray its yearly expenses.

It is supposed, said Mr. T., that, during the war, our manufacturer took advantage of the situation of the country, and extorted high prices; and that now he may be enabled to lay his neighbors under contribution, and ex-

H. OF R.]

The Tariff Bill.

[FEBRUARY, 1824.]

tort prices exactly in proportion to the increase of the duties. It is probable enough that, during the war, and at all other times, our manufacturers have taken the highest market prices for their goods. Buy where you can buy the cheapest, is the maxim of the political economist, without inquiring whether you buy from a friend or an enemy. Whether this maxim is right or not, one thing is certain, that, sell where you can sell the highest, has been the general practice of every seller since the world began, and to expect otherwise, is to expect an impracticable refinement in the morality of trade, and useless, even if it were practicable.

But, said Mr. T., the objection seems founded on a total mistake in another respect. High duties on the rival imports are not for the purpose of enabling the manufacturer to sell his wares high, and never can have that effect, but precisely the opposite effect. Mr. T. spoke only of those articles which can be made at home to any necessary extent, and the raw material of which abounds at home. It is protection only which enables the manufacturer to sell them cheaply. And protection will be found invariably to have that effect in England, in France, in this country, in every country that we know of. The reason why protection from foreign rivals should be so absolutely necessary to the cheapness of any manufacture, need not be accurately inquired into, when we know the invariable fact. Perhaps it is that cheapness depends essentially upon the assurance of a market; a steady demand. The great market, the home market, creates this demand. The profits of business, to be very small, must be very certain. This certainly can never be had without an exclusion of accidental supplies. Probably an auction of cargoes of cotton goods every month, in the neighborhood of the best-established cotton manufactory in England, would, in two years' time, be sufficient to break it down. Such exclusion is peculiarly necessary to manufacturing establishments when beginning. No industry, no skill, no economy, can hold them up if abandoned by their Government, and left exposed to be undersold by foreign rivals, who know that to stop them is to destroy them. So familiar is this to the two greatest manufacturing nations of the world, England and France, that, when they mean peculiarly to cherish any manufacture, (which they invariably do, every manufacture which their people are, or can be made competent to,) they do not content themselves with a duty of twenty-five or thirty per cent. on the foreign rival commodity, but they impose a duty nearly equal to, and sometimes above, the value of the article, or they prohibit it altogether.

As to details of the bill, Mr. T. observed, that, on cotton goods, the bill left the duties as it found them, with one exception. The minimum valuation of imported cloths is raised from twenty-five cents the square yard, to thirty-five cents. The intent is to give protec-

tion to fabrics superior in fineness, by two or three grades, to those which are now protected. As to the very lowest priced goods, and those in the second and third grades from the lowest, the addition here proposed to the duty is merely nominal. Those goods will never be imported. The duty, as to them, is already effectual. It is clear that immense benefits have accrued to the country from that prohibition. This valuation of thirty-five cents prohibits no cotton goods which may not be fabricated better at home than any imported, and cheaper, too, most certainly, as soon as foreign competition is excluded, and never before.

A specific duty is proposed, of six cents per square yard, on cotton bagging. It is understood that the war, which excluded importations, gave to Kentucky and other Western States, the opportunity to supply the cotton-growers with bagging—a trade not hurtful to either side, but which is now prostrated. The duty of six cents is intended to be protective and prohibitory, and to give to those States which manufacture the bagging, and which consume vast quantities of cotton, an advantage corresponding in a very small degree with the protecting duty enjoyed by the cotton-grower of three cents a pound.

As to the specific duties on sundry articles of hardware, Mr. T. said those were taken chiefly from a list furnished by the Secretary of the Treasury, some years ago, in answer to a call from the House. This was from a desire to substitute specific duties wherever practicable. Complaints are made, that, in some items, the change proposed will be inconvenient. If the committee think so, these will be struck out.

THURSDAY, February 12.

The Tariff Bill.

The House then again resolved itself into a Committee of the Whole, on the bill to amend the several acts for imposing duties on imports.

The question pending, from yesterday, was on the motion to amend the bill, by striking out the words following, viz: "On all foreign distilled spirits, fifteen per centum upon the duties now imposed by law, and in addition thereto."

Mr. WICKLIFFE, of Kentucky, first rose, in continuation of the debate on this motion, which he considered as involving the great principle of this bill, and particularly so far as it affected that section of the Union which he represented—a consideration which, he hoped, would excuse his troubling the committee at this time. Looking at the contents of this bill, at the province of the committee which reported it, and the grounds on which it had been supported, he regarded it as a bill intended for the protection of manufactures, and not, as it seemed to be considered by the supporters of the motion, as a commercial or a revenue bill. Mr. W. said he was himself disposed, by in-

FEBRUARY, 1824.]

The Tariff Bill.

[H. OF R.]

creasing the duties on imports, to extend to the infant manufactures of the country, and to the encouragement of its industry, all the protection that can be given to them. But, whilst he would do this, he was not disposed, by overdoing this encouragement, to be led into a state of things which would necessarily result in the establishment of a system of internal taxation in the country. He did not believe, he said, that the Union is prepared, at this time, for that state of things. He spoke with great confidence for that portion of it by whose kindness he had now the privilege of addressing the House. However anxious the people of that part of the country might be to promote the interests of domestic manufactures, they were not prepared to go the length which some gentlemen, not in debate on this floor; indeed, but in private conversation, had seemed to intimate that this measure would carry us. They, said Mr. W., have no fondness for your excisemen and tax-gatherers. They learned a song in 1798, the memory of which they yet cherish, the chorus of which is "Liberty and no Excise!" In time of war, he said, they would cheerfully submit to the burdens of internal taxation, to provide for the support of the armies and navies of the country; but, in time of peace, they would as soon welcome a real blue-light man among them, as an exciseman. They would as soon hail, as brothers, those "just men made perfect," who, after having, by their entangling commercial relations, brought the country into a war, seemed to think that the machinery of our Government was not competent to its successful prosecution.

TUESDAY, February 17.

The Tariff Bill.

The House then again went into Committee of the Whole, (Mr. CONDICT in the chair,) on the bill to amend the several acts respecting the duties on imports.

The question pending from the last day of sitting, being on the motion of Mr. BRENT to strike out the clause imposing a duty of six cents per square yard on cotton bagging imported—

Mr. McDUFFIE commenced a speech of half an hour, in favor of striking out this clause of the bill, by stating the grave and solemn feelings with which this discussion impressed him, however slight the subject might, at first view, appear. He perfectly agreed, he said, with the honorable Speaker, that, in the legislation of this country, the most scrupulous regard should be had to the general harmony; but he put it to the Speaker, whether it was not the introduction of such a bill which was like to disturb that harmony, rather than its discussion, &c. By the course of this discussion, said Mr. McD., we are admonished that this subject does not belong to the Government of the United States. What is the question before us? It is not a

question for providing for the common defence and general welfare, or for maintaining the independence of the country. It is not a question which is urged upon us on national grounds at all, but it is a question distinctly arraying against each other the interests of two different sections of the confederacy. All the arguments by which the proposed duty is supported have been, therefore, and necessarily must be, of a sectional character. When gentlemen are attempting, by legislation, to affect the interests of two sections of the Union relatively to each other, how can they throw upon us the responsibility of that feeling which the discussion may excite? But, Mr. McD. said, however he might feel on the occasion, he would not permit his feelings to enter into the discussion. He should appeal to the judgment, candor, and liberality of the committee; and, if the impolicy of the proposed tax could not be sustained by argument, on that appeal, he would abandon altogether his opposition to it.

Adverting to the suggestion that the culture of cotton has been brought into existence and sustained by protecting duties, Mr. McD. said, with whatever pleasure he listened to the arguments of gentlemen, and their statements of facts, his patience almost forsook him when this strange position was attempted to be maintained. To tell him that the culture of cotton ever had been protected by the legislation of the Government, was to insult his understanding. Estimating the average value of cotton, where it is grown, at twenty-five cents, the duty on the importation of foreign cotton being three cents per pound, was in fact only twelve and a half per cent. ad valorem, less than the average duty laid on all other objects for the purposes of revenue alone, and could therefore not be regarded, either in intention or in fact, as a protecting duty. The fact was, that, from the moment its culture sprung into existence in this country, it had defied all competition—there never had been a moment in which it would not have defied competition with the cotton of any country on earth. Was cotton raised, in the beginning, for the use of our own manufactories, or for any purpose in which foreign cotton could come in competition with it within the United States? No. From the beginning it had been raised for exportation. The duty did not operate upon the culture of cotton any more effectually than if it did not exist. A bounty on exportation only could afford any protection to the cultivation of it, and he concluded this part of his observations, by repeating that the cotton of the country never has been protected.

But, Mr. McD. continued, the Speaker had laid down a principle in respect to the manufacture of cotton bagging, which, in his view, established the impolicy of protecting this article, viz: that it required but simple and unexpensive machinery, and that establishments for the manufacture of it would be of rapid growth; and he had further said, that, if this

bill were passed, the Western country would in one year be able to furnish, if necessary, twenty millions of yards of the article. Now, what is the principle on which protecting duties are justified? What is this principle, as assumed by the Speaker himself? What is the principle on which such duties have been heretofore advocated on this floor and every where else? It is, that the manufacture proposed to be protected requires large investments of capital, complicated machinery, length of time to bring it to perfection, &c., which causes require protection, to prevent the manufacture from being prostrated in its infancy. In the present case, no such ground was taken. Even the article of cotton fluctuates in price from ten to twenty cents per pound, and so do all other articles which are employed in commerce. But had it ever been the policy of any country, was it the policy of this, to sustain manufactures against fluctuations such as this, to which all the pursuits of life are liable? No; it was extensive, complicated, and costly manufactures, only, which required protection, &c.

Mr. McD. here examined and controverted the argument that the consumer, and not the grower of the cotton, paid the duty on the bagging. The price of cotton depended, he argued, on the competition in foreign markets, and not on the cost of the bagging in which it is baled; if the bagging were to cost a hundred dollars for each bag, it would not raise the price of our cotton abroad, because foreign cotton would, when it began to rise above a certain value, come into successful competition with it. There could be no doubt, he said, that the whole additional cost of the bagging would fall on those who make the cotton.

The argument of the Speaker, that the advantage of this duty would be reciprocal, by the cotton of the South being received in the West in exchange for the bagging, Mr. McD. pronounced to be an illusive calculation, and made some observations to show that the part of the country which he represented was already tributary to Kentucky for her produce, for which his constituents paid in specie, and not in cotton, &c. The tax would be an accommodation of the West wholly at the expense of the South, if it even enabled them to supply the bagging. But, he added, that the South could not take their bagging. The expense of its transportation from Kentucky would be two or three times as great as that of its transportation from Dundee or Inverness, and that alone would give the latter an advantage over the former, unless the duty on importation should amount to an actual prohibition.

It had been already well remarked, that the proposition for this duty introduces a principle into legislation which never existed before here, and which, he ventured to say, had never before been introduced into the legislation of any country on the face of the earth? What is it? The protection of manufactures? No; not the protection, but the creation of manufactures. He

called upon gentlemen to show, in the history of the world, an instance in which any nation had passed a law to create a new sort of industry—to give being to what did not already exist. If this was an article of primary necessity, in a national view, or connected with the defence of the country, &c., he would go as far as any one in support of it. But, as a question of political economy, he argued, you can only protect what exists. Here, he said, was an issue between hemp and cotton. What is cotton? A large item in commerce; it has formed, for a number of years, on an average, one-third part of the exports of the country. It is an article of weight, and bulk also, and it had, therefore, contributed one-third of all that our commerce has done to support the naval power of the country. And now Congress were called upon to adopt a system which was to strike from existence that item, and, indeed, every other article of exportation—for, he contended, on the principles of this bill, Congress could not stop, until every article of consumption was protected. And what, said he, will be the result? You annihilate the commerce of the United States. The principles of this bill went to an extent never before proposed. In reference to the particular article now under consideration, the House was called upon to jeopardize the great interests of the cotton-growing country—to sacrifice an interest which had contributed to the wealth of the Union, and mainly to the growth of the commercial emporium of the United States, upon a miserable calculation of hemp and cotton bagging, which never had any place in the productive commerce of the country. If there was any value in the policy of protection, let it be confined, at least, to what exists. Let us hold fast to the sources of our wealth, the means of our revenue, instead of attempting to protect that which has no existence.

After replying to the argument of the Speaker, respecting the effect of competition, and contending that the argument was fatal to this very duty, Mr. McD. called upon gentlemen from those States which have no particular interest in the article under discussion, invoking them, by the highest considerations, to interpose to preserve one interest of this country from being sacrificed to the other. He trusted they would decide upon it justly, and without regard to any principle of compromise. He knew there were some members of the House who were disposed for the protection of existing manufactures, who would not vote for this; and he trusted that a general odium would not be cast on the bill by retaining in it such clauses as this, which do not properly belong to it.

SATURDAY, February 28.

Ohio and Mississippi Rivers.

Mr. HENRY, of Kentucky, from the Committee on Roads and Canals, to whom was referred the Message of the President of the United

FEBRUARY, 1824.]

Ohio and Mississippi Rivers.

[H. OF R.]

States, transmitting a report of the Board of Engineers, on the navigation of the Mississippi, made a report, accompanied by a bill "to improve the navigation of the Ohio and Mississippi Rivers."

[This bill proposes to authorize the President to cause dykes and sluices to be constructed, for the purpose of navigation at the lowest stage of the water, upon certain bars in the Ohio River, to remove planters, sawyers, and snags, from the bed of the Mississippi River. The bill was twice read and committed. The report is as follows:]

It is known that the great rivers Ohio and Mississippi are the principal commercial outlets of the vast and fertile regions west of the Alleghany mountains; and it must be obvious that whatever tends to obstruct or endanger the navigation of those streams, cannot be regarded with indifference by that portion of our people whose interests are thus seriously and vitally affected. Your committee have, therefore, faithfully endeavored to ascertain the causes and actual condition of the obstacles, whether temporary or permanent, which now, at certain seasons of the year, prevent all navigation upon one of those Rivers; and, at all seasons of the year, impair the security of navigating the other. For this purpose they have availed themselves of every source of information in their power; and have carefully examined the "Report on the Ohio and Mississippi Rivers," made by General Bernard, and Major Totten of the Engineer Corps, which is printed in the third volume of Executive papers, transmitted by the President during the second session of the Seventeenth Congress.

In relation to the Ohio, your committee have ascertained that there are, between the falls and the mouth, twenty-one bars crossing its channel, which render it impassable by steamboats, during six months of the year; and that six of these bars, at the lowest stages, preclude the passage of all vessels drawing three feet of water. To the bars last mentioned our attention has been particularly directed; believing it to be the better policy to leave the falls, at Louisville, and the majority of the bars, to be comprehended in some more extensive scheme of internal improvement.

The six bars which, in our opinion, fall within the range of our present policy, are indicated by the following descriptions, viz:

1st. A mile and a quarter below Flint Island, the river is obstructed by a sand bar, of about 1,200 yards in length; for the distance of 360 yards there are three and a half feet of water; for 240 yards, but two feet; and for the remaining distance of 600 yards three and a half feet. The shoalest part is also the narrowest, the breadth being about 180 yards.

2d. Two miles above French Island, there is a sand-bar of about 200 yards in length, and on which only from 20 inches to two feet of water are to be found.

3d. The bar below Henderson is fifty yards long; the channel fifty yards wide; and the least depth of water two and a half feet.

4th. The bar below Straight Island consists of two parts, one of compact, and the other of moving sand. The length of the bar is 150 yards; the breadth of

the channel about 40 yards; and the least depth of water is two and a half feet.

5th. Below Willow Island (in the Mississippi Bend) is a sand bank, on which the depth of water is two and a half feet; the length of the bar is 100 yards; and the breadth of the channel about 50 yards.

6th. Opposite to Lower Smithland, and below Cumberland Island, there is a bar of moving sand; its length is 80 yards, and the depth over it two feet.

In addition to the impediments above described, there is another of a different kind, which deserves to be mentioned, viz: On the right side of the river, (below the mouth of Deer Creek,) about fifteen yards from the bank, there is a rock fifty feet long, parallel with the shore, fifteen feet broad, and rising fifteen feet above the surface of the water, at its lowest stage. In times of flood, this rock, covered by a few feet of water, is very dangerous, and can only be avoided by accident or by skilful pilotage.

The most eligible means of producing the uniform depth of three feet over the bars above mentioned, is recommended in the report of the Engineer Corps, already referred to, viz: the construction of dykes, which, by confining the current to a particular channel, will necessarily swell the volume, and increase the depth of the water. These dykes are ordinarily formed by rows of piles, driven with force into the bed of the stream, and strongly wattled together; the spaces between the rows being filled with such rough and flat paving-stones as the neighborhood can supply. The piles, being elevated a little above low water, the rises of the river, whether partial or general, pass over them without injury. As the dykes must extend, with the exception of the sluice, quite across the river, the length of the whole when added together, may be estimated at about four miles and a half. The expense of this improvement will be very inconsiderable, when compared with the permanent benefits which must flow from it to the industrious and adventurous people who inhabit the shores of this great river, and its tributary streams, and have no other vent for the bulky productions of their industry.

The danger arising from the rock below the mouth of Deer Creek, should, in our opinion, be averted, by the erection of a beacon upon it, of sufficient elevation to be always visible above the highest floods.

We now turn our attention to the difficulties which embarrass the navigation of the Mississippi. These arise from the impetuosity of its current, and the almost entire absence of rock on its shores, from St. Louis to New Orleans. Hence, its constant effort to change its course; and hence the frequent submersion of whole acres of land, covered with trees of the most gigantic growth. Of the trees which are thus precipitated into the river, some are borne off by the stream; some lodge upon the shores in great masses, where they form what are called "rafts;" others become fixed, at one end, in the bed of the stream, whilst the other end inclines towards the surface; sometimes appearing above it, sometimes concealed below it. When they are so fixed as to preserve an immovable position, they are called "planters;" but when they play up and down with restless vibration, now yielding to the pressure of the stream, and again rebounding from beneath it, they are called "sawyers."

These terrible obstacles have been the causes of much calamity to the people of the West. To say nothing of the awful occasion which consigned, in the brief space of five minutes, a large number of human beings on board the steamboat *Tennessee*, to a watery grave; to say nothing of a thousand similar accidents, differing only in the degree of horror, the annual loss of property is variously estimated at from five to ten per cent. upon the whole amount which is hazarded upon the river. But can these difficulties be removed? Of this we have no doubt. Between Natchez and Baton Rouge, there are now fewer rafts, planters, and sawyers, than formerly; and between Baton Rouge and New Orleans, they are rarely to be seen. Below Baton Rouge the forest has been succeeded by cultivated fields, and the disposition of the river to encroach upon its shores, is counteracted by artificial embankments. This description of dyke, we are aware, will never be attempted for commercial purposes alone. To a combination of the future proprietors of the shores, for their own security and advantage, we are to look for the consummation of this desirable improvement, by its extension to the mouth of the Missouri. In the mean time, it is entirely practicable, at the lowest stage of the water, by the aid of suitable machinery, to raise the trees which now obstruct the channel, and to saw them off at a proper depth. The labor may be great, in the first instance, to remove the wreck of centuries; and it may be necessary, from time to time, to prostrate all similar impediments which may intervene. But when the forests shall be entirely cleared, whether for the purpose of cultivation, for supplies of fuel to steamboats, or for the immense, and still augmenting consumption of New Orleans, these frightful and formidable enemies of Western enterprise will gradually disappear, until it will be as rare to see "a sawyer, a planter, or a raft," above Baton Rouge, as it is now to find one below it.

The committee have had access to no data which could enable them to determine, with accuracy, the probable expense of the improvements above suggested. Indeed, the very nature of the proposed undertaking forbids the application of any ordinary rule of calculation. Your committee would, however, suggest the expediency of dividing those rivers into precincts, and that the President of the United States be authorized to employ supervisors for each precinct, binding each by contract to perform the services which may be assigned to him; and that, for the purpose of carrying into effect the improvements before mentioned, the sum of — dollars be appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Which is respectfully submitted.

The Tariff Bill—Iron.

The House having resolved itself into a Committee of the Whole on the bill for a revision of the tariff of duties on imports—

Mr. FULLER, of Massachusetts, opened the discussion to-day, by a motion to strike out from the first section so much as imposes a duty of one dollar and twelve cents per cwt. on iron, in bars or bolts, not manufactured by rolling.

In support of this motion, Mr. FULLER observed that iron was an article of far more general importance than cotton bagging or wheat,

which had recently occupied so much attention. Every man in the United States, of whatever occupation, was more or less interested in obtaining the best quality, at the lowest price. In every village a blacksmith was an artisan indispensable alike to the farmer and the mechanic; and in the manufacturing establishments of cotton and wool, a large consumption of iron, in machinery, was annually necessary. To every farmer and mechanic, therefore, said Mr. F., this increased duty will cause a corresponding increase of price for their implements of husbandry, and of their respective mechanic arts. But of all the classes of the community who must feel the pressure of this new burden, the ship-builder must suffer most. The average tonnage of the United States, since the year 1810, is, probably, in round numbers, at least one million three hundred thousand tons; of which at least one-tenth, by some estimates one-seventh, is the annual diminution by marine losses or decay; consequently, this amount must be annually replaced by the ship-builders. Four tons of iron in every hundred tons, one-tenth, to take the smallest amount, of shipping necessary to replace the annual consumption, amounts to five thousand two hundred tons of iron annually employed in ship-building, upon which the proposed duty amounts to \$116,500, which is more than the present duty by \$83,888, a very great addition to a burden already as much as can be sustained. And here it may be proper to remark that, while the burden of the new duty is co-extensive with the United States, the benefit intended to result from it will be confined to only one or two, at most to three, of the States; far the greater part will be confined to the State of Pennsylvania alone. Most sincerely do I wish, said Mr. F., that the citizens of that respectable State could have all they expect, and more, if it could be accorded to them without this immense sacrifice by the citizens of the other States. It is true, there are iron manufactories in other States, but we have lately heard, from the honorable Speaker, that those in the Western States need no protection; and those in the Northern States are satisfied, as far as I am informed, with the present duty.

Mr. BUCHANAN, of Pennsylvania, followed Mr. FULLER. He said that the duty upon bar iron, according to the existing tariff, was \$15 per ton. This bill proposes to increase it to \$22 50—and the question for the committee to decide, was the policy of this measure.

It has been contended, said Mr. B., by the gentleman from Massachusetts, (Mr. FULLER,) that bar iron might be considered as almost a raw material. If that gentleman intended to convey the idea, that the manufacture of this article requires but little capital, he is entirely mistaken. The man who expects to prosecute it with success, ought not only to possess a considerable active capital, but a large body of land covered with timber. Before the ore is manufactured into bar iron, it undergoes two

FEBRUARY, 1824.]

The Tariff Bill—Iron.

[H. OF R.]

distinct processes, at different factories. At the furnace it is converted into pig metal, which, in the forge, is manufactured into bar iron. These factories are generally distinct, and each of them requires a large capital. If, therefore, you suffer the manufactories of iron to be destroyed, and the capital invested in them to be diverted into other channels, it will be difficult to restore them, when the necessities of the country may demand such a measure.

The gentleman from Massachusetts (Mr. FULLER) has alleged that the manufacturers of iron, in Pennsylvania, are now in a prosperous condition. It is true, said Mr. B., that a few of the ironmasters, who had acquired sufficient wealth to survive the general wreck in which a large proportion of that class of our citizens has been involved, have been able to support themselves. This, however, has been the case only with respect to those who reside at some distance from the seacoast, and in a neighborhood in which there is a demand for all the iron they can manufacture. Foreign iron, before it can come into competition with theirs, must, in addition to the present duty, pay the expense of transportation into the country. Such individuals, by the ruin of rival manufacturers, and by the consequent destruction of domestic competition within their sphere, have become the monopolists of their neighboring markets. In this manner, the farmer is compelled to pay a much greater price for his iron, than he would be obliged to give, if the protecting power of the Government would recall into existence those rival manufactories which have sunk under its neglect. What, Mr. Chairman, is the condition of those manufacturers residing in the interior, who have no market at home, but must depend upon that of the Atlantic cities? As it regards them, the picture is reversed. In addition to the first cost of their iron, they are compelled to incur the expense of transporting it to a market where it comes into competition with that from Russia and Sweden. Such ironmasters, under the present tariff, must inevitably be ruined, if they should continue in the business. They would lose upon every ton of iron which they manufacture. The consequence has been, that most of them, in this situation, have been compelled to stop.

Sir, said Mr. B., the traveller, if he had gone into the interior and mountainous districts of Pennsylvania, but a few years ago, would have found a great number of furnaces and forges in active operation. Their owners were not only prosperous themselves, but they spread prosperity around them. These manufactories presented the best and surest market to the neighboring country, for the products of agriculture. Thus, they diffused wealth among the people, money circulated freely, and the manufacturer and the farmer were equally benefited.

The present aspect of those districts presents a melancholy contrast to that which I have just described. It is a just comment upon the

policy of that country, which will not afford a reasonable protection to its own domestic industry, and thereby gives to foreigners a decided preference in its markets. Although that portion of Pennsylvania abounds with ore, with wood, and with water power, yet its manufactories generally have sunk into ruin, and exist only as standing monuments of the false policy of the Government. The manufacturers and their laborers have both been thrown out of employment, and the neighboring farmer is without a market.

Sir, said Mr. B., the records of your Government prove, conclusively, that foreign iron is rapidly driving domestic competition out of the market. In the year 1819, 16,241 tons of foreign hammered iron were imported. In the year 1822, it had increased to 26,508 tons. What it was during the last year, I have not been able to ascertain with precision, but I am informed, that it has been regularly progressing in the same proportion. Thus, we perceive, that, in the short space of three years, the increase has been more than ten thousand tons.

Can any statesman, said Mr. B., regard this process with indifference? Is it the policy of this nation to suffer the manufacture of iron to be destroyed? Can any gentleman for a moment sanction such an opinion? No nation can be perfectly independent, which depends upon foreign countries for its supply of iron. It is an article equally necessary in peace and in war. Without a plentiful supply of it, we cannot provide for the common defence. Can we so soon have forgotten the lesson which experience taught us, during the late war with Great Britain? Our foreign supply was then cut off, and we could not manufacture in sufficient quantities for the increased domestic demand. The price of the article became extravagant, and both the Government and the agriculturist were compelled to pay double the sum for which they might have purchased it, had its manufacture, before that period, been encouraged by proper protecting duties. We cannot now always expect to remain at peace; and the only means of securing to ourselves, in time of war, an abundant supply of this necessary article, at a cheap rate, is to encourage its manufacture, whilst we are on terms of friendship with all nations.

But after all, Mr. Chairman, what do we ask by this bill for the manufacturers of iron? Not a prohibitory duty, as the gentleman from Massachusetts (Mr. FULLER) seems to suppose, which will exclude foreign iron from our market. We wish only to infuse into our own manufactures sufficient vigor to enable them to struggle against foreign competition. Protection, not prohibition, is our object. The revenue which the country at present derives from foreign iron will, for several years at least, be increased by the proposed additional duty; and at the same time a most important branch of our domestic industry will be gradually cherished. For the proof of this assertion, I refer

to the opinion advanced by the Secretary of the Treasury, in his annual report, during the last session, on the state of the finances. In it he distinctly declares "that the duties upon glass and paper, upon iron and lead, and upon all articles composed of the two-latter materials," may be increased, "with a view to the augmentation of the revenue." His report during the present session shows that he still entertains the same opinion.

Mr. B. said, revenue was at this time an important consideration. In the imposition of new duties, we should not lose sight of the Treasury. Notwithstanding the siren notes which we have heard on this floor concerning the prosperous condition of our revenue, we know that we are in debt about ninety millions of dollars; a great part of which will become payable before our ordinary resources will enable us to extinguish it. Mr. B. said it was his opinion that, should this bill pass, with a very few amendments, it would for some years considerably increase the revenue of the country, and assist in enabling us to discharge our national debt. The proper occasion, however, has not yet arrived for such a general investigation.

As it regards the article of iron, we may fairly infer, from the history of its importation, that the proposed addition to the duty will increase the revenue. In determining this question, we should inquire whether the foreign importation is increasing under the existing tariff; and if so, whether slowly or rapidly. According to this advance, we may proportion the additional duty, always keeping within reasonable limits. We find that in three years the increase has been more than ten thousand tons. Under the operation of this bill, the revenue will be augmented until the quantity imported shall be less by one-third than it is at present. No person acquainted with the condition of the iron manufactories of the country can suppose that they will be able to produce this effect for many years to come under an additional duty of only \$7 50 per ton. It will, however, afford them that gradual protection which is in accordance with the settled policy of this nation: a policy which, whilst it encourages domestic manufactures, never loses sight of the great interests of agriculture and commerce.

Mr. B. said there was no article from the importation of which a duty might be more fairly derived than iron. It would not in any degree be partial in its operation. Its use was universal, and all parts of the Union would, therefore, contribute their fair proportion. Mr. B. concluded by observing, that there was no item in the bill which had fairer claims to be retained than the article of iron.

MONDAY, March 1.

Death of Mr. Ball.

As soon as the journal of Saturday was read, Mr. A. STEVENSON, of Virginia, rose, and addressed the House as follows:

Mr. Speaker: I rise to perform a painful and melancholy duty. It is to announce the death of my friend and colleague, WILLIAM LEE BALL, a Representative from the State of Virginia. On yesterday, it pleased Almighty God to call him from this scene of suffering and trial to the abode of the blessed! The awful stillness and gloom which pervade this Hall, proclaim more strongly than any effort of mine could do, the loss which we have sustained! In asking you to pay this last tribute to the memory and virtues of my deceased friend, what can I say to add to the strong and deep sympathy which is so generally and kindly manifested throughout this House? He was known to you all, and by all respected, esteemed, and beloved. I knew him well, for he was the early companion of my youth, and the friend of my manhood. There was nothing dazzling in his character, or shining in action, but his march through life was that of probity, honor, and virtue! He was characterized by a strong and noble mind; by generous and godlike feelings; by a kindness and simplicity of manner, and by a love and indulgence for his fellow-men, which won the admiration and esteem of all who knew him. It might with truth be said of him, that he was without fear and reproach. Such was the man whose loss we deplore, and whose spirit has fled forever! Peace to his ashes! and would to God it could have been so willed that they might have mingled with those of his fathers! I offer the following resolutions:

The House having been informed of the death of William Lee Ball, a Representative from the State of Virginia, and being deeply sensible of the loss of a man whose public and private virtues endeared him to all who knew him, and, being desirous to render a just tribute of respect to his memory—

Resolved, That a committee be appointed to take order for superintending his funeral.

Resolved, That the members of this House will testify their respect for the memory of William Lee Ball, by wearing grape on the left arm for the remainder of the session.

Resolved, That the members will attend the funeral of the late William Lee Ball, to-morrow morning, at 12 o'clock.

The resolves having been unanimously agreed to, the House adjourned.

TUESDAY, March 2.

The House met, and adjourned for the purpose of affording the members an opportunity to attend the funeral of the late WILLIAM LEE BALL.

WEDNESDAY, March 3.

Road in the Territory of Michigan.

On motion of Mr. RICHARD, of Michigan, the Committee on Roads and Canals were instructed to inquire into the expediency of reporting a bill to authorize the surveying and making a

MARCH, 1824.]

The Tariff Bill—Woolens.

[H. OF R.]

road from Detroit, or from Pontiac, in the county of Oakland, in the Territory of Michigan, to the Lake of Michigan or to Chicago.

THURSDAY, March 4.

Vaccination.

Mr. GAZLAY, from the committee appointed on the 9th ultimo, on a memorial of Dr. James Smith, made a report, accompanied by a bill to encourage vaccination; which, by leave of the House, was reported, read twice, and committed to a Committee of the Whole. The report is as follows:

The memorial of Dr. James Smith states that the smallpox is now spreading, to a very alarming extent, to most of the great cities, and to many other parts of the United States; and that beside the calamities immediately attendant on the disease, it necessarily suspends and interrupts commerce and intercourse between different portions of the Union. To arrest the progress of this scourge, and to prevent its future appearance, the memorial recommends the appointment of a general agent for the United States, and local agents in the several Congressional districts, to whom the general agent shall at all times furnish the real vaccine matter, free of postage. The memorial also contains much detail on the nature and distinguishable character of the vaccine from the smallpox or variolous disease. It also asserts that medical skill is not required for the effectual and safe application of the vaccine matter; that this process may be performed by any person. But that, to insure confidence and success in the vaccine system, *great care, attention, and experience*, are necessary in obtaining and preserving the *true vaccine matter*, or crusts, and that if it be not pure, no reliance can be placed on it as a guard against the smallpox. To this point much evidence, drawn from practice and long observation, is set forth: also much evidence tending to show its ample protective character when pure.

In a paper accompanying the memorial, Dr. Smith has furnished statements, with extracts of letters, and a certificate of a Mr. Phillips, tending to show that the unfortunate occurrence at Tarborough was the result of some wanton interference with his letter and directions, after they were by him enclosed, and before they reached Dr. Ward. That Dr. Ward is inclined to the belief of this fact, and made the first suggestion of it in April, 1822.

The committee do not pretend to account for the unfortunate occurrence at Tarborough, nor do they see as much reason for imputing its wilful commission to those who were publicly engaged, and of course the first to be made responsible, as to some secret hand not responsible. They beg leave to suggest the propriety and public necessity for paying some respect and attention to the general sentiment, which prevails throughout the civilized world, in favor of the preventive power of the vaccine disease against the smallpox; and that to obtain security from the latter, which so materially affects both life and our maritime relations, cannot be less than a national object. They ask leave to report a bill, and with that view offer the following resolution:

Resolved, That the select committee raised on the subject of vaccination have leave to report a bill.

The Tariff Bill—Woolens.

The House then resolved itself into a Committee of the Whole on the bill amending the several acts laying duties on imports.

Mr. TON, Chairman of the Committee on Manufactures, moved to amend the first section of the bill, by altering the minimum cost of imported woollen cloths on which a duty of thirty per centum ad valorem is proposed to be imposed, from eighty cents to forty cents, and striking out the subsequent clause, which fixes the minimum for flannels, baizes, and other unmilled woollen cloths (except carpets and blankets) at forty cents.

Mr. MARTINDALE, of New York, opposed this amendment. He said that the friends of the bill were taken by surprise by such a motion. The amendment went to alter the whole character of the bill by striking out one of its most important and most valuable parts. The labor of the country, formerly occupied in commerce and agriculture, has, by the reduction of those great national interests, been thrown out of employ, and wants occupation. No manufacture aids the farmer more than those the staple of which consists of wool, a product easily raised, easily extended, and for the manufacture of which we have mechanics in abundance. He hoped the Chairman, and the friends of the bill, would act on the conviction of their own judgment, and not by yielding to that of others, for the sake of conciliation, jeopardize or sacrifice the most valuable parts of the system of protection. The proposed duty would not operate to raise, but to diminish the price, as a similar duty had operated on coarse cottons. This was a sort of fabric with which American manufacturers could easily fill the market.

Mr. INGHAM, of Pennsylvania, considered the item, now proposed to be altered, as a very important part of the bill: "Its effect would be to raise the price to the consumer without benefiting the manufacturer. He suggested a modification of Mr. Ton's motion, by which the minimum would be left open for discussion.

Mr. TON thought there was no way in which to ascertain the views of the members on this part of the bill but by taking a vote. He certainly had no wish to see this clause stricken out; but he had made the motion in consequence of an assurance given him by several leading members, now in opposition to the bill, that, if this feature were removed, they would support the residue, and he wished the friends of the plan to remember that a bill which attained only a part of the object desired, and which passed the House, was better than a bill of the most finished and perfect form that did not pass.

Mr. TRAOT, of New York, expressed his regret that this amendment should have proceeded from the honorable Chairman against his own better judgment. It certainly aimed a blow at the most important item in the whole bill. He believed the country is fully able to

raise all the wool it needs. He hoped the motion would be withdrawn. If it was intended as a compromise with the opponents of the bill, the honorable Chairman might find that, while he won over a few of them to his side, he at the same time lost many of those who were now its supporters.

Mr. BAYLIS, of Massachusetts, hoped the amendment would not be withdrawn. He did not believe this country possessed (at least not at present) the capacity to raise its own wool; and, if we cannot get it at home, we must get it from abroad. He thought the duty left by the amendment would be sufficient to keep out of the country those fabrics which the gentlemen had described as made of woollen rags ground up, and which would scarce endure a puff of wind without falling to pieces. The minimum at forty cents would, in his opinion, be sufficient for the present. We must attain a maximum by degrees.

Mr. McKIM went into a calculation in figures, and insisted that the bill would diminish the importation of woollen goods one-half; that the revenue would lose at least eight hundred thousand dollars; the minimum at forty cents was equal to seventy-three per cent.; what more was wanted for a protection?

Mr. BUCHANAN, of Pennsylvania, supported the amendment, as a measure proper in itself, and calculated to promote a spirit of mutual conciliation. The present duty on woollen goods is twenty-five per cent. ad valorem—the bill would raise it to thirty-three and a third. The minimum proposed by the amendment is forty cents per square yard; a yard of coarse baize costs eight pence sterling; the ad valorem duty, as amended, is equal to eighty per cent.; without the amendment, it will amount to one hundred and thirty per cent. He thought we were not yet ready for a prohibitory duty on coarse woollens; to which article the arguments from coarse cottons did not apply, because cotton was abundant—wool was not. The amount imported last year was one million six hundred thousand pounds—worth three hundred and forty thousand dollars. By going too rapidly, in pressing the system, we shall injure both the consumer and the manufacturer. If the raw material was abundant, he should oppose any reduction of the minimum; but at present he should advocate the amendment.

Mr. TOP observed that the Committee of Manufactures had used the greatest diligence in collecting information, not only from the members of this House, but from persons in various classes of the community, whose interests were involved in the several parts of the bill. Some doubt existed as to the point at which the minimum on coarse woollens ought to be fixed. And the committee were unwilling, by going too far, to risk the popularity of the bill, and thereby jeopardize its success. But, as several of its friends had expressed a wish to have time for further deliberation, he would consent to withdraw his amendment.

Mr. T. then moved to amend the third section of the bill by making the annual increase of duty on unmanufactured wool more gradual, and by adding a proviso "That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per cent. ad valorem, and no more."

Mr. T. stated that the committee had learned that objections existed to this part of the bill, both among the manufacturers and the raisers of sheep. It appeared that a coarser wool was wanted than any raised in this country, for a particular kind of coarse goods, (negro cloths, &c.,) and that that species of wool may be procured sometimes for eight and sometimes as low as six cents a pound, while the lowest priced American cost twenty-five cents.

Mr. McKIM, of Maryland, called for the reading of a memorial from Germantown on this subject; and it was read.

Mr. CLARK, of New York, made some remarks which the reporter was not fortunate enough to hear distinctly.

Mr. INGHAM advocated the amendment. He hoped this coarse wool would not be excluded from importation; it employed a large number of additional spindles, without in the least interfering with our native products; a million of pounds were imported the last year, chiefly from South America, with which country it was our interest to cherish a commercial connection, as she furnishes a market for many of our manufactures, and, if she can return her native productions for them, will continue and increase her demand. He thought this sort of wool had better be freed from duty altogether—at all events, it was better that we should import it in a raw state than in a manufactured form.

Mr. FORWARD stated that large quantities of wool were raised in his district; and he had, at first, been under the impression that his constituents would be benefited by the item of the bill, without any alteration or proviso; but he had reason to change that opinion, and he advocated the amendment. The Committee on Manufactures had, since the bill was under discussion, obtained a mass of information from all parts of the country, sent up by those about to be affected by the various parts of it, which had, on several points, materially changed the opinions of the committee, and would lead to motions for corresponding changes in the bill. The fine wool imported from some parts of Germany competes with our own; but this coarse wool brought from Smyrna and South America cannot; it is of a quite different quality, and may be bought at about nine cents a pound. He was in favor of eventually excluding foreign wool; but it must be done by degrees. A large and sudden duty will break down the manufacturer.

Mr. LIVERMORE then rose. He said there was a character in the Eastern part of the Union known by the name of the New England farmer, whose voice he wished might be heard on the

MARCH, 1824.]

The Tariff Bill—Woolens.

[H. OF R.]

present question. When the bill appeared, he had looked over it with anxiety to see what had been done for that character, and he found only two items in it to compensate him for all the rest; these were the duty on wool and the duty on tallow. As to wool, he was sorry to hear that wool mean enough could not be raised in this country. For himself, he should conclude that the better the wool the better would be the article made out of it. Gentlemen, who understand manufactures, tell us that the amendment will benefit the farmer, because he cannot make wool mean enough; but if you will only protect the growth of wool by duties, any quantity of it can be raised. It is a product easily extended. The amount might be doubled in two years, and where you raise fine wool you raise coarse on the same sheep. Exclude the coarse bad wool from abroad, and you will soon have a better article. It is said the coarse must be imported because we can't raise it; but what was said when the duty on iron was under discussion? The gentleman from Pennsylvania told us they can't make it because it sells for only eighty dollars a ton, and he wants to raise the price to \$140; but the same argument will apply to wool. There are memorials against the duty, from men who raise a great many sheep, but they are men who own, at the same time, large manufacturing establishments, and take on themselves the name of farmers, just as another class of manufacturers take upon them the name of merchants. The cities to the Eastward are full of them. They are capitalists; that is their proper name. They put their money into whatever will bring them the best returns. But these were not to be heard on the interests of the farmer. To him this tariff is a bitter pill. Do give him a little gold on the outside, just to cover it, and take off some of the bitter taste. The people in his district could make carpets at their fireside, and nobody complained that they could not get wool mean enough. If labor is to be protected, let it be protected. Don't give it a less market than it has already. Cities, we all know, stand only by commerce. The ground on which they stand is often good for little. The great city of New York, when the Dutchmen first saw it, was a fine place to make canals on, and that was all. But New York consumes 200,000 barrels of flour, and 800,000 are exported. The cities furnish a market for the farmer. Can the gentleman from Pennsylvania conjure Philadelphia into a Manchester and New York into a Birmingham? Let him do it. Yet it was not manufactures alone which supported the farmer. Fifty or sixty thousand families were occupied in the fisheries—and, reckoning five for a family, these amount to a quarter of a million. They all eat as much as a man who attends a cotton jenny, and the jenny eats none. The New England farmers and the Pennsylvania farmers say "let us alone," except so far as your bill is intended for revenue. This, Mr. L. insisted, is the legitimate subject for consideration. Gen-

tlemen had often been asked how the deficit in the revenue was to be supplied? It must be either by a land tax or an excise. Will gentlemen say they mean to lay a direct tax? They will say no such thing; they tell us it will be time enough to apply a remedy when the disease has grown desperate. I don't like this. One object of the Federal Union was to pay the debts of the United States; the debts were enormous, and this new Government was to pay them. Now, we are told, the national debt is a bagatelle. Why is it not paid, then? It is not diminished any. I would give more for a motto uttered some time ago, by a gentleman from Virginia, (Mr. RANDOLPH,) than for all such arguments. "Pay your debts," said he, and his words fell on my mind with great force. Let us pay first, and then tamper with the revenue; a source of supply that calls for almost no expenses in its collection, and always gives us more than we expect. When the gentleman made his motion to strike off this little gilding from the pill he has prepared for us, I could not think him serious; yet he appears considerably so—I hope he may yet recant. His argument seems to be this—we can't get, at home, coarse wool at the present price; therefore, let us get it from abroad, and not raise the price when wool is now about a shilling a pound. Sir, it ought not to be disguised, that, now-a-days, manufacturers are everybody, and everybody else are nobody. This is the case, especially in the State I come from. But is the course they propose practicable? They can't do it; the poor can't protect themselves against the rich, against the wealthy few; these will supply what the others try to protect.

Mr. MARTINDALE could not agree with gentlemen who said that this coarse wool did not come in competition with our own. If it was now used where our own would be used; if this were excluded, then, to its whole extent, it does come in competition with ours.

The duty now proposed, was not a prohibition. The article would still be imported, though in less quantity. It would operate moderately, and that was just what the agriculturist wanted. It was to him we ought to look, throughout the whole of this bill; but we could only reach him through the manufacturer. Gentlemen have shown great anxiety lest the duty should injure the poor. Mr. M. said he also was a friend and an advocate of the poor; but he would aid them by giving them employment; if the duty should, for a time, increase the price of coarse woollen goods, it would, in the same proportion, increase the employment of the poor, who were to buy them. But, whose voice is it that speaks on this floor for the poor? The voice of the capitalist, who owns large flocks and large factories. He fears the poor—the poor farmer and the poor manufacturer may come in competition with himself; it is for himself he speaks. Mr. M. considered it as a principle of universal truth and application, that where the producing power exists, protecting duties will cause

the article to be produced cheaper than before. Gentlemen who advocate the amendment, seem now to forget the policy of England, which is to break down our manufactures by every practicable means. Will she regard this small duty? No; she will pour in her manufactures upon us, so long as she can sell them for any thing more than the duty. It is time to protect our farmers, that they may begin a system of home supply. It is at the beginning, emphatically, that this protection is needed. Gentlemen say we must not tax coarse wool because we cannot now supply the demand; but we are supplying that demand with a substitute—we mix cotton in the woollen fabrics, and this is a benefit to all our Southern country. Surely it is fair, that when the manufacturer asks of the farmer to buy his cloth, the farmer should ask in return that the manufacturer will take his wool.

Mr. INGHAM observed, that some allusion had been made to personal interests of gentlemen on the subject under debate. With deference, he must deny the propriety of such allusions. All of the members have an interest, direct or indirect, in what is done here, whether they be merchants, manufacturers, or agriculturists, and they were justified in presenting to the consideration of the House the several interests which will be affected by its acts. He made this remark as a general one, and not because he thought the remark of the honorable gentleman fairly applied to him, when he said that there was a combination of manufacturers under the mask of wool growers. He had little or no interest in the article of wool, as he owned but a hundred Merino sheep, which he kept more for amusement than profit. He thought it the interest of the consumer that the duty should be reduced. The only effect of a heavy duty on coarse wool would be, to throw all who are now engaged in manufacturing the raw material into coarse goods, entirely out of employment, and there were not less than ten thousand spindles thus occupied? Were not the farmers interested in feeding this body of men? Where manufactures flourish the farmers flourish.

Mr. CAMBRELENG said he rose merely to reply to the argument of the gentleman from Pennsylvania, (Mr. INGHAM,) in his rejection of the duty on wool. He says that this inferior wool will not be raised in the country; and, therefore, it is not wise to prohibit the importation. Now, if this is a good argument, why not apply it to hemp? The Navy Commissioners cannot use the American hemp, because it is bad; and then, the gentleman says, lay on a prohibitory duty. How can both these arguments stand? He now says, if a duty is laid on coarse wool, a different article must be substituted. Just so his bill will operate in the article of linens—it will not lower the price of linens, but will supply their place by cottons.

Mr. INGHAM replied.—The gentleman agrees with me about the measure proposed: is it not strange that he should take this occasion to find

out some other point in which we disagree. He finds that some argument of mine is at war with another argument brought forward on this side, (but which is not mine.) He then assumes that I used it, and next accuses me of inconsistency. I never said any thing about the hemp duty. The honorable gentleman seems kindly to assume opinions for me.

Mr. COBB wished that the question on the two parts of the amendment might be divided.

The CHAIRMAN pronounced this not in order.

Mr. TRACY then moved to amend the amendment, by substituting eight for ten cents, as the price at the place whence imported.

Mr. McKIM opposed this alteration.—He said, that no wool could be purchased so low as eight cents—and he read a statement of the prices at which the article had been imported. He thought the object of the mover could only be to defeat the amendment.

Mr. TRACY said, if no wool could be purchased as low as eight cents, he should then doubt the expediency of the amendment first proposed—in that case, the article needed no exemption. He had certainly been told by manufacturers that they sometimes bought it at six cents.

Mr. McKIM explained.

Mr. McLANE believed that the question was not understood. If the bill passes, the duty on the raw material will counterveil the duty on foreign goods—the duty will come on the consumer. This article of coarse wool only concerns the fabric of negro cloths. That cloth is now made out of wool that costs from ten to twenty cents a pound. A high duty will oblige the American manufacturer to substitute a finer cloth for the coarse article, and then the foreigner comes in and supplants him. It is never politic to tax a raw material, unless to encourage its growth at home. But this kind of wool is not produced here—so that, under pretence of encouraging manufactures, you deprive the manufacturer of the very material on which he is to work. The American farmer raises wool from a mixed breed of sheep, and the very coarsest of it costs twenty or thirty cents. But the foreign is raised by the wandering shepherds of Buenos Ayres and the boors of Sweden. The wool is essentially inferior. There are other kinds of wool raised amongst us, which ought to be protected—the Merino, the common, and that of the mixed breed. He would put one fact to the gentleman from New York, (Mr. TRACY.) It has been stated that this coarse wool costs at the outside twenty cents. There is no wool raised here at less than twenty-five, and the most of it at forty cents. From whence are you to get two millions of pounds of this coarse wool? It would require six hundred thousand sheep, and would take eight or nine years. What becomes of your manufacturers in the meanwhile? They are gone: and, when the wool comes, there is nobody who wants it.

Mr. HAMILTON said he rose to make a single observation, and that was, to comment on the

MARCH, 1824.]

General Appropriation Bill—Reduction in the Diplomatic Corps.

[H. OF R.]

singular attitude of the question before the committee. A question which had changed the relations of confederates, and now placed in array a certain class of agriculturists with their old friends, the manufacturers. In the progress of the bill, there had been certainly all sorts of arguments. Those who had gone into the bowels of the earth, in pursuit of a metal more precious than gold—those who had fought valiantly in the hempen-fields of the West—and Mr. H. said he did not now see, according to the principles of the compromise of the bill, by which equivalents in different quarters were to be arranged and modified, why the Northern and Western agriculturists were not also entitled, in the general distribution of the booty, to their *golden fleece*. It was certainly amusing to perceive how readily, when convenient, the arguments of those opposed to the whole monopoly of the bill, could be adopted by the gentlemen advocating the interests of the manufacturer. Even the gentleman from Delaware, (Mr. McLANE,) to whom, said Mr. H., I always listen with instruction and pleasure, had urged in favor of lowering the duty on raw wool, those very reasons which might be advanced against the whole policy of the tariff. But the gentleman from Pennsylvania, the chairman of the Committee on Manufactures, had employed, for the reduction of the duty on wool, the very arguments which had been so unavailingly enforced for the reduction of all the other duties. And now, when he comes out, and says that the very duty reported by himself should be reduced, and proposes an amendment to his own bill, does he not urge the very argument which he has previously resisted? This gentleman has, throughout, gone upon this principle: that domestic production will be commensurate with foreign prohibition; but, as the manufacturers want wool on the cheapest terms, on reflection, this principle will not apply to this raw material, although it does to iron and hemp. Now, said Mr. H., I wish to know why it will not apply to wool? When the foreign supply is cut off, will not those infinite creations of domestic production take place, which the gentlemen have predicted, in relation to other articles? Mr. H. said he believed that flocks of sheep could be multiplied with the same facility as iron forges and hemp factories, and the argument, if worth any thing, applied as well to the former as the latter. Mr. H. said he confessed that he had no interest in adjusting the separate claims which conflicting monopolies might put in; he had risen to point out an inconsistency in the arguments of the friends of the bill, for he might say, that in voting either against or in favor of amending the section, he gave his suffrage without bias; for, in whatever way the duty on wool was modified, it would be unimportant to the interest of those he represented; for, if the duty on the manufactured fabric was retained, the planters of the South would make their own clothing for their slaves,

for the manufacture of which, the materials, consisting partly of wool and partly of cotton, were to be found in abundance in the interior economy of most of their plantations—a necessity to which grievous duties would unquestionably drive them. Mr. H. said he could not but be surprised at the unlooked-for moderation and generosity of the chairman of the Committee on Manufactures, for which, he said, he had no doubt that gentleman had the best reasons, although he chose to keep them to himself.

Mr. TOD observed, in reply, that he began again to have hopes of getting the support of the gentleman from South Carolina, for the whole bill—for all the taxes come to, is this: that we will make our own manufactures. But that gentleman is mistaken if he supposes that the same arguments apply to wool as to iron. The sheep which produce this wool are raised in a country that is always warm, and they have a quite different covering from sheep which live in a northern country, or any country where the heat is interrupted by a cool season. It is rather hair than wool—and though I am friendly to manufactures, I am not such a friend to them as to raise them in spite of nature herself. I shall not attempt, by protecting duties, to produce whale oil on the top of the Alleghany mountains.

The question being taken, Mr. TRACY's amendment was not agreed to. That of Mr. TOD was carried.

The committee then rose, and the House adjourned.

WEDNESDAY, March 10.

General Appropriation Bill—Reduction in the Diplomatic Corps.

Mr. FORSYTH opposed that item which makes appropriation for the payment of the salaries of some of our foreign Ministers, on the ground that the number of Ministers was unnecessarily great, as *Chargés des Affaires* might be substituted for some of them without detriment to the public service and with a saving of the public money, and we should thereby avoid the sacrifice of self-respect now arising from our sending Ministers Plenipotentiary to powers who send no Ministers of the same grade to represent them at this Government—of which number were our Ministers to Spain and Portugal; and he moved to strike out that clause of the bill until farther information could be obtained, as to the necessity or expediency of such Ministers being sent where they were not, or continued where they were.

After a protracted debate on the subject, the question was taken on Mr. FORSYTH's motion, and lost—ayes 51, noes 75.

He then moved to strike out the word "Lima," in the list of the Ministers to South America. The debate was renewed on this motion, but, before the question was taken, the committee rose.

The members who took part in this day's debate, were MESSRS. McLANE, COCKE, CUSHMAN, TAYLOR, SHARPE, TEN EYCK, MEROER, GAZLAY, WHIPPLE, FORSYTH, MCCOT, COOK, S. WOOD, and LIVINGSTON.

THURSDAY, March 11.

General Appropriation Bill—Reduction in the Diplomatic Corps.

On motion of Mr. McLANE, the House then resolved itself into a Committee of the Whole, on the bill making provision for the support of Government for the year 1884; and the question still being on the motion of Mr. FORSYTH, to strike out the word *Lima*, in that section of the bill which provides the means of sending Ministers to the Republics of South America, the debate of yesterday was renewed, and became, in some degree, extended to the consideration of our general relations with the South American States.

The motion to strike out was advocated by MESSRS. FORSYTH, TAYLOR, McLANE, TRIMBLE, FLOYD, and MALLARY, and opposed by MESSRS. WICKLIFFE, STORES, BUCHANAN, LIVINGSTON, FULLER, and McKIM.

Messrs. BARTLETT, SIBLEY, and FOOT of Connecticut, also spoke, but only for the purpose of asking or of communicating facts, and not directly taking part in the debate.

The motion to strike out the name of *Lima* was advocated on the ground that the appointment of a resident Minister at that place was unnecessary, as a *Chargé des Affaires* or a Consul might answer every purpose. A *Chargé des Affaires* had been appointed last year, and no change had since occurred to render a Minister necessary; that we have no evidence that the Government of Peru does, or ever has, desired the residence of a Minister from this Government; that it cannot be of any service to the interests of Peru; that, when the Republic of Colombia solicited a recognition of her independence and sent a Minister here, we kept him waiting for years in the galleries of this House, without so much as admitting him to set a foot in the lobby, and that, too, even after the independence of Colombia was fully ascertained. But the independence of Peru was not, to this hour, officially recognized, if, indeed, it were fully established—and no Minister had been sent from that Government here. That before Ministers had been sent to Buenos Ayres, Chili, or any other of the South American Governments, the independence of those Governments had not only been achieved, but had stood some test of time. But Peru was lately in the power of a Dictator, and it is even now said, that her capital is in the possession of hostile troops. At all events, the appropriation called for in this bill is unnecessary, because there is already a balance from former appropriations, fully adequate to meet the expense of this mission. The appropriation is more than needless, it is improper; inasmuch

as it has the aspect of a measure stimulating the Executive to this mission. He has the subject entirely within his discretion; and the prudence with which he has heretofore employed discretionary authority, in respect to our foreign relations, entitles him to the unreserved confidence of this House. The resolve formerly passed by Congress, pledging its support to the President, in sundry missions to such of the South American Governments as should succeed in establishing their independence, was in general terms, and did not specify any Government in particular. Why should we depart from that course, in relation to Peru, a Government whose independence had never yet been recognized? As her situation is different from that of the four other Governments enumerated in this clause, she can have no good cause to be offended that no Minister is sent to her, while Ministers are sent to them. And, if a Minister's presence should at any time be requisite, it would be easy to send one of the others to Peru, for a limited time. This has been done in the case of several of our Ministers at the Courts of Europe.

The motion was opposed on the consideration that we have already a large commercial intercourse with Peru (and shall have more) which is subjected to many embarrassments, and to considerable risk, from the want of a suitable representative of this Government there; cargoes are consigned to native merchants—are seized on slight pretences, and even our navy officers have had to turn negotiators to preserve them from confiscation. This commerce is sometimes very profitable, a large market exists for our home manufactures and our flour, (the latter article sometimes bringing twenty-five and thirty-six dollars a barrel.) If we send a Minister to the other four Governments, and not to Lima, what will be the appearance of such a line of conduct in the eyes of Europe? It will be inferred that we do not intend to recognize Peru. This was especially to be avoided at this moment, lest it should be said, that while no dangers threaten we could make a gasconading acknowledgment of the independence of the South American States; but, so soon as one of them was menaced with attack, we were glad to avail ourselves of the fact of not having formally acknowledged its independence to turn about and retrace our steps. We ought not only to do nothing to encourage such an idea, but we ought to put it down by measures which could not be misunderstood. The independence of Peru was not doubtful, and, though we have not recognized her individual independence, yet the act of 1822 took the general ground which covers her case. If we strike Lima from this bill, and Peru should afterwards be attacked by the Holy Alliance, how can we say any thing to those powers in opposition to the most tyrannical acts against her? The declaration of the President in his last Message has been echoed from every American heart, and has produced a great sensation

MARCH, 1824.]

Navy Hospital Fund.

[H. OF R.]

in Europe. Shall we not act in the spirit of that Message? Shall we stand on etiquette with an infant republic just passed through the last agony in struggling for her independence? We do not, by retaining Lima, hasten or stimulate the Executive; but only give what, in the report of the Secretary of State, he has applied to us to provide; and thus redeem to him the pledge we gave in 1822. Though no resident Minister may be necessary, none but a Minister Plenipotentiary can conclude a treaty, and our commercial interests require that a treaty shall be entered into as soon as practicable, lest commercial rivals anticipate us, and obtain for themselves advantages and privileges to our exclusion or injury. But higher considerations point to the same policy. Republican government is lost in Europe, save in one free country—it is struggling successfully in the Southern Hemisphere of our own continent. It is time that we formed an American spirit. The political principles of our own Government called on us to establish the interests of freedom in other Governments, and to sanction and confirm the representative principle wherever it is acted on—especially near home.

The committee rose on motion of Mr. BRENT, at half-past four o'clock.

SATURDAY, March 18.

Navy Hospital Fund.

The SPEAKER laid before the House a report from the Commissioners of Navy Hospitals, made in obedience to a resolution of this House of the 20th of January last; which was read, and referred to the Committee on Naval Affairs. The report is as follows:

NAVY DEPARTMENT, March 16, 1824.

SIR: In answer to the resolution of the House of Representatives of the 20th January, "That the Commissioners of the Navy Hospitals be directed to report to this House the amount of the sums which they have received and expended by virtue of the act, entitled 'An act establishing Navy Hospitals;' the balance remaining in their hands on the 31st of December, 1823, designating the sum which has been 'absorbed in the pay of the Navy, and which is due to the Hospital Fund,' and what measures they have adopted to carry into effect the provisions of said act," we have the honor to enclose a copy of a letter from the Fourth Auditor of the Treasury, with a statement of the accounts in the Auditor's Office, showing the receipts and disbursements of said fund up to the 31st of December, 1823.

The law separating the Naval from the Marine Hospital Fund was passed on the 26th February, 1811. On that day a balance of \$3,782 86, standing to the credit of the Marine Hospital Fund, was carried to the credit of the Navy Hospital Fund. This sum, with the deductions authorized by law, from the pay of the officers, seamen, and marines, constitutes the whole of the Navy Hospital Fund. These deductions have been regularly made whenever the officers, seamen, and marines, have received their pay, and the sums so deducted have been left in the "pay of the Navy," which is of course responsible for them. They were not, in the first in-

stance, drawn from the "pay of the Navy," at the times in which they accrued, in consequence of the war which succeeded the passage of the law, and were left in the same situation for several years afterwards.

By the report made on the 29th of October, 1823, it appears that the balance to the credit of the fund at that time was \$117,074 84; since which the deductions from the pay of the officers, seamen, and marines, and for which the "pay of the Navy" is responsible, have amounted to \$2,638 61, making the Navy Hospital Fund, on the 31st of December, 1823, amount to \$119,712 95, exclusive of the amount which has been under the control of the commissioners.

After the establishment of the fund in February, 1811, and before the 30th of September, 1821, the expenditures by the commissioners amounted to \$10,652 85; since that time there has been drawn and placed in the hands of the Treasurer of the United States, subject to the orders of the commissioners, \$43,385 87; and, in September, 1823, \$18,000 were paid for a site for a naval hospital near the navy yard at Charlestown, Massachusetts. These three sums added together make \$71,988 72, which, added to the sum of \$119,712 95, for which the "pay of the Navy" is responsible, makes \$191,701 67, being the whole amount of money which has accrued to the fund since its establishment.

From this statement it will be perceived that the only funds which the commissioners can immediately control for the objects of the law, are those in the hands of the Treasurer, viz: \$43,385 87. The debt due from the "pay of the Navy" can only be paid as balances of the appropriations for that object shall remain at the end of the year; and as these appropriations are founded upon estimates calculated with great care and accuracy, and are barely adequate to accomplish their object, it is manifest that it will be a long time before the fund is repaid, and the commissioners will have the control of all the means which properly belong to it.

The delay will greatly postpone the accomplishment of the benevolent purposes of the law creating the fund, and do injustice to those who have contributed to it, and who, by the delay, will be deprived of its benefits.

With a view to avoid the difficulties which have heretofore existed on this subject, an order has been given to the Fourth Auditor of the Treasury to make out, at the end of each quarter, from the returns of the disbursing officers, a statement of all moneys accruing to the Navy Hospital Fund during the quarter, and give a regular certificate of the amount, that a warrant may be issued for the same in favor of the agent of the fund. By this means it will, at the end of each quarter, receive all the money to which it is entitled, and the "pay of the Navy" will not become any further indebted to it.

In September, 1823, the commissioners purchased a site for a hospital adjoining the navy yard at Charlestown, Massachusetts, for which they paid \$18,000, and have made a contract for another site near the navy yard at Brooklyn. These are all the "measures they have adopted to carry into effect the provisions of the act." Respectfully, &c.

WILLIAM H. CRAWFORD,
J. C. CALHOUN,
SAMUEL L. SOUTHARD.

Hon. SPEAKER of the House of Rep's.

Rules of the House—Adjournment, and Lie on Table—No Debate.

The resolution yesterday offered by Mr. LLOYD (for expunging the 81st rule of the House, which is in the words following: "A motion to adjourn shall be always in order if after four o'clock p. m.; but, before that hour, it shall not be in order, if there be at the time any question pending before the House; that, and the motion to lie on the table, shall be decided without debate,") was taken up for consideration.

A desultory debate arose on this question, in which Messrs. FLOYD, TAYLOR of New York, RICH, STEWART, WHIPPLE, LITTLE, ALLEN of Massachusetts, MCCOY, KREMER, OULPEPE, RANDOLPH, McARTHUR, and MARTINDALE took part.

The amendment, on motion of Messrs. LITTLE and MCCOY, was successively amended, so as to retain those clauses of it which declare that the motion to adjourn, and the motion to lie on the table, shall be decided without debate. On striking out the residue of the rule, which forbids a motion to adjourn being made until four o'clock, while any question is pending before the House, the yeas and nays were called by Mr. TAYLOR, and were: yeas 95, nays 89.

The said thirty-first rule, as thus amended, is as follows:

"A motion to adjourn shall be always in order; that motion, and the motion to lie on the table, shall be decided without debate."

General Appropriation Bill—North Portico for the President's House.

The report of the Committee of the Whole, on the bill making appropriations for the support of Government for the year 1824, was taken up, and the amendments agreed to in committee were in part agreed to.

The question being on concurring in the appropriation of \$25,000 for the north portico of the President's house—

Mr. CUSHMAN, of Maine, addressed the House to the following effect:

Mr. Speaker: I hope the article under consideration will be retained in the bill; and I appeal to the good sense and patriotism of the House for support; nor do I despair of assistance from gentlemen in whose nature the principles of economy seem to be deeply radiated. It appears from statements already made, that the portico, to erect which the appropriation is required, is a part of the original plan of the house built for the use of our Presidents. It is to be presumed that the edifice, at some period of our Republic, is to be finished. The present, on various accounts, appears to be the proper time to carry on the work to completion. Our country is at peace with all the world, and, rich in resources, can command ample funds; the materials for building are cheap; the price of labor is low; the Treasury is in a condition to

afford the expenditure; and there seems to be a laudable spirit to countenance economy, and to protect domestic industry; and on the principles of economy, and for the benefit of industry, among other reasons, I urge the appropriation. If adequate sums should be granted, the public edifices, in the course of two years, will be brought to such perfection, that the skill and superintendence of the architects may be dispensed with, together with the principal artificers, and most of the workmen; and hereby a great saving of expense will be made to the nation. These considerations address themselves with great force to our passion for economy; and, if we consult its true maxims, we shall certainly grant the appropriation. But there are other reasons. The portico, when completed, will be not merely an ornamental, but a useful appendage.

The house of the President resembles, in some respects, a city set on a hill—it cannot be hid. It becomes the dignified resort of citizens and strangers; the attractive point of all official characters, both of the United States and of foreign Governments. Here, also, are to be seen, on suitable occasions, brilliant assemblages of both sexes—a bright constellation of beauty and accomplishments. If it be asked, For what purpose? The answer is, to smooth the asperities of human nature; to harmonize what is harsh or discordant in the mind; to refine the social affections; to interchange civilities; to pay respect to the Chief Magistrate of the nation and his family; to relieve the *State-worn* patriot from the monotonous scene of business; to cherish a virtuous emulation, and to foster good feelings.

And do not reason and propriety require that the convenience and elegance of the mansion should be adapted to the station and dignity of the occupant, and to the respectability, refinement, and delicacy of his guests? Ought not every circumstance and appurtenance conspire to give pleasure, and to make a favorable impression of our national character and taste? But, sir, what is the fact? Need I remind you of the serious inconveniences to be encountered on an inclement evening, in descending from the carriage, or returning from the saloon? If the healthy and robust of our sex have nothing to fear from the cold and dampening snows, the drenching rains, the piercing winds, or the noxious vapors, are these elemental annoyances attended with no ill effects to the *fairer* and more *delicate* portion of our race? Must they be debarred the social pleasures of life, the interviews of friendship, or be obliged to enjoy them at the expense of their health and safety? Shall I, Mr. Speaker, be more explicit? It were useless, before such an assembly as this. I know your urbanity. I duly appreciate the gallant spirit of this House. To these I appeal, in behalf of those to accommodate whom the generous gladly labor, and for whose protection the brave as cheerfully expose themselves to hardships, to sufferings, and wounds.

MARCH, 1824.]

General Appropriation Bill.

[H. OF R.]

There are, however, other strong inducements. I ask, in the language of the Roman orator, but not with the same views, "*Quam rempublicam habemus? In qua urbe vivimus?*" Is it not the Republic which owes its existence to the wisdom and valor of our sages and heroes? Is it not the city which bears the proud name of WASHINGTON? And are we not emulous to give suitable dignity to the one, and appropriate decorations to the other? The Capitol, in which we exert our talents and display our eloquence for the common defence and general welfare, stands on an eminence which overlooks a vast extent of country. As far as the eye can extend its vision, the rural scenery around borders on the sublime and beautiful; and, to me, it seems that this site, and landscape, and the objects presented to view, invite us, with a powerful, though silent eloquence, to give to the metropolis of our nation correspondent magnificence and beauty.

The proud oppressors of the earth, at different periods of time, have erected cities to their own fame, and adorned them with spoils of conquered nations. Not so is it with the city of Washington. The people of the United States, prompted by motives which do honor to the Republican character, decreed it, and are rearing it up to perpetuate the name of the Father of his Country. As long as our Republic shall remain, it will be a standing monument to his glory.

Mr. McARTHUR, of Ohio, rose in reply. He should not attempt, he said, to follow the gentleman from Maine, in all the windings of the learned speech he had just delivered. For himself, he was a backwoodsman, brought up in tents and camps, and not practised in making fine speeches; but he thought it was sufficiently plain that this portico was not a matter of any necessity, and had better be dispensed with. He believed, according to appearances, that we should be at no loss in finding a tenant for the House without more repairs. The building was now complete, and, in his judgment, better without the portico than with it. The portico, which had just been completed, was, he believed, but little used, if at all. He did not, to be sure, profess to be very intimate at the President's house, but he had frequently passed it, and never yet saw the south portico occupied, or used in any way. As to the difficulty of getting there in bad weather, there is no compulsion which obliges us to visit the President's house while the weather is bad, or, at least, to take the fair ladies there of whom the gentleman had spoken. He could not but consider the proposed item of appropriation as a useless expense, especially when we recollect that the nation has a debt yet hanging over it of ninety millions of dollars. As to the magnificence of this Hall and the Capitol, to which the gentleman had alluded, the expenditure to produce it was, in a great measure, money thrown away. This Hall, as a place for speaking, was nearly useless—it was merely by accident that any thing could be heard at his seat that was read

from the Clerk's table—members voted in the dark—and might be voting away the public money without knowing it, for the want of distinctly hearing the resolutions read at the Clerk's table. Government would yet have to abandon it, and build a plain square room, where members could hear what each other said. He, therefore, thought that the style of this Hall ought to be no guide in erecting our public buildings; and he hoped never to see it followed. He called for the yeas and nays on agreeing to the appropriation.

Mr. KREMER, of Pennsylvania, said he had no interest in this portico, and he could not vote in favor of it. He was one of those who went upon the old Republican principles; he had started in '98 on those principles, and he meant to adhere to them. He could not see any valuable end to be answered by adding another portico to the President's house, unless, indeed, it was to make a monument of what the gentleman called "simple grandeur." Perhaps the gentleman might think this Hall, too, was a monument of "simple grandeur"—but, for his part, Mr. K. said, he thought it was a monument of pride and extravagance, and not of old Republican principles. He could not undertake to answer the gentleman's fine speech; to him, a great part of it was unintelligible; and, in reply to some quotations he had made in it, from a dead language, he should answer in his own mother German tongue: *Ich habe es nicht verstanden.** He did not believe that any man had a right to entail debt upon posterity. Congress, to be sure, had the power to do so, but they could not do it on any moral principle. And, before we set about making monuments of "simple grandeur," we had better be sure that we have the money to make them in our pocket. He did not think Congress had a right even to put up a necessary building, till we were able to pay for it—[a laugh, and a call to order.] As to this portico, it was, in his opinion, as unnecessary as a fifth wheel to a wagon. The gentleman, to be sure, had made a long speech about it, and it might be oratory, for aught he knew, but it certainly had nothing of solid reasoning in it.

Mr. HOGEBOOM, of New York, rose for the purpose of obtaining information from the Chairman of the Committee on the Public Buildings, (Mr. CUSHMAN,) whether much expense had already been incurred in preparing materials for the proposed portico. He did not consider the building of this portico as a matter very necessary, but if much expense had been gone into to provide for it, it might, perhaps, be better to go on with it; if not, he thought the money might be much better applied to repairing the injuries in the wall which surrounds the enclosure of the President's house, and in smoothing away some of the precipices in the bank within it, which are now so unsightly.

Mr. SHARPE, of New York, made a farther in-

* I didn't understand the gentleman.

H. OF R.]

Mr. Bailey's Case.

[MARCH, 1824]

quiry about some stone which were dressed, and lay in front of the Capitol.

Mr. CUSHMAN explained.

When the question was taken on the appropriation, and decided in the negative—yeas 65, nays 115.

General Appropriation Bill—Reduction of Diplomatic Corps.

The House then passed to the orders of the day, and took up for consideration the bill making provision for the support of Government for the year 1824.

Mr. GAZLAY withdrew the amendment offered by him on Saturday, and the question being on concurring in the amendment as reported by the committee—

Mr. GAZLAY said he hoped the House would not concur, and, if it did not, he should then move to amend the bill, by inserting a proviso to appropriate \$49,000, as a sum adequate to the maintenance of European foreign relations. Mr. G. said, the practice of more than twenty years has been to provide, generally, for foreign intercourse, without designating the places of Ministers. This had obtained through the tide of successful and unsuccessful experiment, and he saw no good reason to change it. He was not prepared for the doctrine, that, whenever, and as often as the President might choose to appoint a Minister to the court of any despot in Europe, this House was bound to echo the appointment; and, as often as an appointment should be made by taking a member from the Senate—a principle not surely agreeable to the people—that we should do the same; he thought the safest way was, to leave each department to bear the responsibility of its own constitutional discretion. The long practice which gave sanction to the course he proposed, was, to his mind, a sufficient proof of its correctness.

He wished the sum reduced for two reasons, viz: because he believed that there were many national objects to which it could be more advantageously appropriated; and, because he saw no good reason for maintaining Ministers of the first grade at the courts of all the despots in Europe, when there was no national object for them to accomplish. Mr. G. said he had always understood that foreign Ministers were intended for the making of treaties, or for settling some great national question; and, as we had neither of these now on hand, with the great crowned heads, he must presume that ours had no other design than the maintenance of a system of espionage; and, although this might do well enough for one tyrant to watch another, he thought it totally inadmissible for a great republic. What have we now, said Mr. G., to do in Europe to justify the number and expense of foreign Ministers? and how many great objects have we which demand all our resources? Mr. G. said he did not believe that this course had, or would meet the wishes of the American people, and he could not reconcile it with any sound principle of democracy.

Mr. McLANE advocated the amendment of the committee, and replied to Mr. GAZLAY. The question being put, the amendment was adopted, as reported by the Committee of the Whole.

The remaining amendments having been, also, concurred in, the bill was ordered to be engrossed for a third reading, and was subsequently read a third time, passed, and sent to the Senate for concurrence.

TUESDAY, March 16.

Monument to General Wooster.

A Message from the PRESIDENT OF THE UNITED STATES was received and read, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 17th of February last, requesting "information whether any measures had been taken for carrying into effect the resolution of Congress of June 17, 1777, directing a monument to be erected to the memory of David Wooster, a Brigadier General in the Army of the United States, who fell in defending the liberties of America, and bravely repelling an inroad of the British forces to Danbury in Connecticut," I have caused the necessary inquiries to be made, and find, by the report of the Register of the Treasury, that no monument has been erected to the memory of that patriotic and gallant officer, nor has any money been paid to the Executive of Connecticut on that account.

JAMES MONROE.

MARCH 17, 1824.

The Message was referred to the Committee of Ways and Means.

Mr. Bailey's Case.

Mr. SLOANE moved to postpone all the previous orders, and take up the report of the Committee of Elections unfavorable to the right of JOHN BAILEY, a member of this House, to a seat therein. Mr. BAILEY was proceeding with some remarks, but the Chair pronounced all discussion out of order till the question was taken on considering it. It was then taken, and decided in the affirmative—ayes 103, noes 62.

The House accordingly went into Committee of the Whole, (Mr. Coss in the chair,) on the report above mentioned. The report of the Committee of Elections was read.

Mr. BAILEY, of Massachusetts, rose and addressed the Chair as follows:

Mr. Chairman: I feel peculiar embarrassment in offering my views of the present subject, from a conviction that I shall be unable to do it justice. Even if my health were perfectly good, I should labor under the disadvantage of being unused—totally unused—to public speaking. This misfortune, joined with a very feeble state of health, renders it impossible that I should do justice to a subject in which I cannot avoid feeling great interest. I hope, therefore, that this committee will do me the favor to believe my cause really much better than my representation of it will be.

It cannot escape observation that the ques-

MARCH, 1824.]

Mr. Bailey's Case.

[H. OF R.]

tion now under consideration is not an ordinary instance in the history of contested elections. Nearly all such questions have for their object to ascertain what is the real will of the people. In the present case, the object is to discover if there be any mode of defeating the will of the people.

On this subject, one rule, it is believed, may be laid down with perfect truth. And it is stated with the more confidence, since I have the authority of the chairman of the Committee of Elections for its correctness. In the discussion of a late case, the contested election from New York, which, we all remember, rested mainly on the correctness or incorrectness of the decision of the commissioners of election in that State respecting a single vote, that gentleman remarked, that in order to set aside this decision of the commissioners, it was not sufficient to raise a doubt on the case; there must be made out a clear and "positive" case against the decision. This remark, Mr. Chairman, I heard with particular pleasure; both because it was a just remark, and because I hoped that not only that gentleman, but this House, would extend the same just and liberal principle to my own case. The truth of the principle cannot be doubted. And if it applies to the decision of the commissioners of an election, with how much more force does it apply to the expressed will of the people of a whole district? A strong and positive case indeed ought to be made out, before such an expression of the will of the people is set aside. And I undertake to show that the report of the Committee of Elections has entirely failed to make out such a case.

In contested elections, arising under either the General or the State governments, the practice has been to give a liberal construction in favor of the rights of the people. This practice, it is believed, has never been departed from, except in times of great party heat and excitement. In the present times it is trusted that no such excitement will be found to exist. It is not to be denied that efforts have been made, out of doors, both at the time of the election and more recently, to give a party turn to the case now under discussion. But I trust that no such efforts will avail; that this House will permit no such feelings to mingle in the discussion. I appeal with confidence to this House to take that liberal view of the privileges of the people, which has so universally prevailed on questions of this nature.

For the first time within my knowledge, we have a departure from this liberal construction in the report of the Committee of Elections now before you. The principles of this report are indeed new; they are wholly unprecedented. In no authorities, either legislative or judicial, do we find the principles here avowed. Inhabitaney, according to this report, means purely and simply "locality of existence"—the mere fact of being in a place. This definition, I venture to say, was never before heard of, and is at war with the spirit of all our free institutions.

When I was elected to this House, in September last, I was employed in the Department of State. The question occurred—Shall I resign that employment, and accept a seat in this House? This was an interesting question to one who depended for his living on his own exertions. In this country nearly all of us are compelled to pursue some course of honest industry for our support; and, Mr. Chairman, it is most fortunate for the country that this necessity is so general. To a person thus situated, the question presented for decision was an important one. Doubts I know were entertained of my eligibility. I extended my inquiries to all analogous cases within my reach; and they were all, without exception, in favor of my eligibility. I learnt the opinions of some of our first citizens on this point; and they too went to the same result. I have learnt, accidentally in most cases, the opinions of at least twelve of the very first statesmen and jurists of the nation; and, what is most remarkable, those opinions are perfectly unanimous—not one, of the whole number, is opposed to what appears to me to be the truth of the question. I do not mention this fact, under the impression that such opinions should have a binding force with this House. With this House, and this House alone, the constitution has left the full control of questions like the present. But the opinions of such persons are entitled to respectful consideration. And it is natural to suppose, that they must have had decided weight with me, when determining in my own mind the question of acceptance.

Before examining the principles of the report of the committee, I beg leave to notice several errors in it, in point of fact.

The report (p. 6-7) says: "It is contended by Mr. Bailey, that, as he was in the employ of the General Government while in this District, and had expressed an intention of returning to Massachusetts, that he still remains an inhabitant of that State." I certainly never contended, Mr. Chairman, that I remained an inhabitant of Massachusetts, merely from the two facts here stated. But I did contend for it, from those two facts, supported by another most important fact, that this constant declaration of my intention of returning, was confirmed by my whole course of conduct while I was employed in this District—by my total disconnection with the civil affairs of this place. We all know the irresistible propensity of freemen to take part in the civil concerns of those communities in which they intend to make their permanent abode. My entire abstinence from taking such part in this District, most strongly corroborates my uniform declaration, that I intended it as merely a temporary abode.

The report (p. 7) further says: "The fact is conceded, that, at the time of the election, and for nearly six years before, Mr. Bailey was actually an inhabitant of the city of Washington." The obvious understanding of this remark would be, that this fact had been conceded by

H. OF R.]

Mr. Bailey's Case.

[MARCH, 1834]

me. Such, however, is not the fact. No such concession has ever been made by me.

[Here the Chairman of the Committee of Elections rose to explain. He said that the committee were obliged to state the points of Mr. B.'s defence from recollection merely, as it had never been put into their hands in writing, but merely read to them. Mr. B. replied, that his defence was read to the committee on the 29th of January, from a rough draught—that he was to have given in a correct draught at the next meeting of the committee, on the fourth of February—but that, in the mean time, on the second of February, he learnt from the committee that they had determined on their report. This fact, together with a desire to incorporate some remarks on several points subsequently suggested by the committee, was the reason why the corrected draught was not submitted to the committee.]

The report (p. 8) also says, that I assumed "the character of the head of a family." This is entirely incorrect, unless there be some peculiar and technical meaning of the phrase, different from its common meaning. I have been accustomed to consider, that a person, in order to be the head of a family, must either own or rent a house—or must have the government of the domestics of the family—or must regulate its pecuniary expenses, or at least furnish the means. Some one, at least, if not all, of these incidents, I have always supposed necessary to constitute the head of a family. Yet not a single one of these incidents has attached to me, during my residence in this District.

These errors in point of fact, in the report before us, I have thought it necessary to notice in the first instance; as they may have had an unfavorable influence on the minds of some members of this House. If they have had such influence with a single member, it is hoped these remarks will correct it.

I will now proceed, Mr. Chairman, to notice some of the points and arguments contained in this very extraordinary report; and will show, not only that many of them are founded in error, but that many are wholly inconsistent with each other.

In the second paragraph of the report, it is stated, that the subject under consideration is "one of great national consequence." This remark could not certainly be intended to apply merely to the individual seat, which is now contested; but must be meant to refer to the general principle involved in the question under discussion. Is the remark correct, even in this respect? Our present National Government has been in operation for thirty-five years. At the end of thirty-five years, one case has occurred, in which a person residing at the Seat of Government has been elected a member of this House. Perhaps in thirty-five years more, another case may occur. Is this an alarming prospect? Is the case one of such "great national consequence?" I will agree with the Chairman of the Committee of Elections, that

if another case should occur within the next thirty-five years, and we should both have seats on this floor, I will join him in a vote in favor of an amendment of the constitution, which shall expressly exclude from this House all persons not actually resident in the States in which they are chosen. But I will whisper in the ear of that gentleman, that if he feels alarmed lest the purity of this House should be destroyed, and is anxious for a remedy, there is an amendment which might be made in the constitution, far more efficacious than the one proposed. Let the constitution be amended, so as to prohibit Executive appointments from being made from this and the other branch of Congress. If there is real danger of Executive influence in Congress, here is a field more worthy of the gentleman's labor than the one in which he has been industriously engaged.

We are further informed, by the report, that the wise framers of the constitution must have foreseen, that the Seat of the General Government would collect a number of persons, "whose long habit of dependence on those who might fill the chief places in the Government, would do much towards enlisting them in support of almost any cause which the Administration might wish to promote." Without stopping to inquire whether mankind are really as corrupt as this remark implies, I must deny the inference drawn from it in the report. It is inferred, that because these framers foresaw this supposed state of things, therefore they meant to prohibit the election to this House of any person so residing at the Seat of Government. I have already adverted to the far greater influence of the Executive in this House, by the unlimited power of appointment from among its members. If the number of members which have been thus appointed for thirty-five years past, be compared with the number (one) elected to this House among those employed at the Seat of Government, we shall see the magnitude of the influence from the former source, compared with that from the latter. Now, to suppose that the framers of the constitution intended expressly to guard against the latter comparatively trifling source of Executive influence, and yet overlooked the former overwhelming one, is to suppose them an assembly of weak and short-sighted men, wholly unworthy of the great trust reposed in them. It is plain, then, that they had no such fears as this report attributes to them; but believed that men might be honest though once employed at the Seat of Government, or though even under the far stronger influence of a hope of still further Executive patronage.

The report proceeds to state that "the true theory of representative government" requires that the representative be "selected from the bosom of that society which is composed of his constituents;" and that he should possess a knowledge of their character and political views, and for that purpose should "mingle in their company and join in their conversations;" and

MARCH, 1824.]

Mr. Bailey's Case.

[H. OF R.]

that he should especially have "that reciprocity of feeling and identity of interest which exist only among members of the same community." This is a beautiful theory, but happens to make no part of our constitution, and, therefore, has no application to the case in question. We are all prone to fancy to ourselves what ought to be a rule of action, and thence to infer that such is in fact the established rule. This is an error. Our inquiry now is, what is the constitution?—not, what ought it to be? That the above picture is ideal, and unsupported by the constitution, is easily shown. Suppose, when I came to this city, I had, instead of this, gone to the State of Ohio, and settled there, with full and evident intention of making it my permanent abode. And suppose, in one month after this, a district of that State had been as infatuated as a district in Massachusetts seems to have been, and had in its weakness selected me to a seat in this House. This would unquestionably have been a valid and constitutional election. What, then, becomes of the above beautiful theory of representative government? Where is the representative coming from the bosom of the society of his constituents? Where his mingling in their company—his joining in their conversations—and his intimate knowledge of their character and political views? It is plain that nothing of this is found. Yet a provision securing these advantages, the report asserts, is "absolutely necessary" for "every well-regulated Government." Either, therefore, our Government is not a well-regulated one, or the report under consideration is incorrect. We shall be safe in continuing to believe that our Government is a good one, and that the people may still be trusted with selecting their own representatives, without a danger that they will select persons wholly unacquainted with their interests and views.

The constitution of Massachusetts is quoted in the report, as declaring, that a person shall be considered as an inhabitant "where he dwelleth or hath his home." This the committee consider as "settling conclusively" the meaning of the word. Persons acquainted with the civil concerns of the State well know, that that definition is held as leaving the question as doubtful as it found it. So far is it from settling the question conclusively in favor of the rigid doctrine of the report, that the whole practice of that State proves the reverse. The decisions of the highest judicial tribunal of the State, as well as its legislative proceedings, prove that the word inhabitant, in that State, does not mean, as this report contends, barely residence in a place, but refers to a person as a member of the political community. The qualification of a voter for Governor and Senators is inhabitancy, without using at all the word citizen or citizenship. And yet (see Mass. Reports, vol. 2, p. 245, 268, and vol. 7, p. 523) the question respecting a right to vote, is invariably considered as involving the question of citizenship. Numerous cases also in its legislative history

show, that inhabitancy is retained, without actual residence. Besides, the terms citizen and inhabitant are used in the constitution of the State without any apparent distinction.

If, therefore, we take the use of the term inhabitancy in Massachusetts, as the test of the legality of the election in question, it is most unquestionably legal. Every authority is in its favor. And this use, probably, ought to be the test. When the Constitution of the United States says, that a member of this House must, at the time of his election, be an inhabitant of the State in which he is chosen, it probably leaves to each State to determine what shall be its own terms of inhabitancy. If, however, we take the other ground, and consider the question as one to be determined solely by the Constitution of the United States, without reference to the State authorities, it has already been shown that the framers of the constitution, as admitted by the committee themselves, had a different understanding of the meaning of the word inhabitant from that contended for in this report.

In reply to the almost irresistible argument in my favor drawn from the numerous instances in which persons have enjoyed the privilege of inhabitants, while absent in public employment, the report contends that such instances cannot be properly adduced as precedents, where the question was not formally agitated and decided. This doctrine I venture to say is unsound. Whatever may be its correctness as applied, in the strict practice of courts of law, to principles, it cannot be true as applied to the meaning of a word. Language, we all know, is perfectly arbitrary. The meaning of a word is determined whole by its use. If the people of a country, by common consent, consider a person as an inhabitant of a State, though he is temporarily absent in public employment, this must be received as the true meaning of the word, even if there were not a single formal decision on the point. Such general practice shows what is the common-sense interpretation of the word; and is conclusive of the question.

There is one argument, Mr. Chairman, entitled to great consideration; it is the peculiar condition of the District of Columbia and its government. The Committee on Elections, however, in their report, confess themselves unable to discover any thing in this circumstance applicable to the present case. To my view, the circumstance is a most important one—so important that perhaps the question might be rested safely on this point alone, without even naming any other.

The District of Columbia is a district erected expressly for the accommodation of the States of this Union, as the seat of their common Government. This common Government exercises exclusive legislation over it. Every State, therefore, partakes of its jurisdiction; and every person residing in the District is under the participant jurisdiction of his own State. To say, then, that a person, coming from one of the

States to this District, has left entirely the jurisdiction of his own State, is incorrect; he has left its peculiar and separate, but not its participant jurisdiction. Let us suppose a district of ten miles square in the centre of Maryland, divided into four equal parts, and owned by four individual persons. Suppose these persons should convert one square mile, in the centre of this District, into a joint property, for the purpose of a park. And suppose Maryland should pass a game law, prohibiting every person from hunting on any grounds not his own. Can we believe that this law would prohibit those four proprietors from hunting in their joint park? No. Yet in the same sense in which this park is the property of these four persons, is the District of Columbia the territory of each State in the Union. Who will deny that each State participates in the legislation of this House? In the same degree it participates in the jurisdiction of the District of Columbia.

It has been said that the case of an Ambassador or other Minister is wholly different from the present case, because he is invested expressly with certain privileges by *international law*. This difference is wholly imaginary. The real substance of the privileges of a Minister is, that he is not subject to the laws and government of the country in which he resides. And the reason of this is given by writers on public law. This exemption is given, because without it he could not discharge, properly and independently, the duties of his office. This is the simple account of the case; there is no magic in it whatever. A Minister is allowed certain privileges while abroad, to facilitate the discharge of his duties while there, but having no reference whatever to the continuance or exercise of merely municipal rights at home.

This view is supported by the very meaning of the word *international*. *International law* is the law which prevails between nations, and is entirely distinct from the internal law of a nation. The qualifications of members of this House are prescribed by our own internal and purely municipal regulations. To call in international law to set aside or restrain a municipal regulation of a purely municipal subject, is plainly an error. A Minister, appointed to a foreign mission, receives the protection of international law the moment he leaves his own country. He enjoys this protection while on his passage out, while in a foreign country, and while on his return; but the moment he touches his own country, that moment this protection ceases, and he becomes subject again to the municipal regulations of his country. International law returns him to his country, but cannot allot him to this or that particular section of it. The latter is the part, purely, of municipal law. To say that international law determines whether a Minister of the United States, on his return from his mission, is an inhabitant of Georgia or of Maine, within the meaning of the Constitution of the United States, so as to

be eligible to a seat in this House, is too obviously incorrect to need comment.

But, even if we could for a moment admit, that international law can determine the municipal privileges of our citizens, it has no bearing on the question of inhabitancy, if the doctrine of the first report be correct, that privileges relate wholly to citizenship, while inhabitancy means the simple fact of local existence. To resort to international law to ascertain the fact where a person has his local existence, is to give that law a use which, it is believed, is wholly new.

Under every view of the subject, therefore, it is evident that international law cannot be brought to fix any difference between the case of an Executive officer in foreign employment, and one employed at the Seat of Government. If "the word inhabitant comprehends a simple fact, locality of existence," as the first report contends, then a Minister residing abroad most plainly ceases to be an inhabitant of his own country, during such residence. If, on the other hand, as the second report contends, a Minister, as to his inhabitancy, "must be considered as in the same situation as before the acceptance of the appointment," since he is in "the performance of his duty abroad;" equally ought a person, who is in "the performance of his duty" in an Executive office at Washington, to "be considered as in the same situation as before the acceptance of the appointment." The same rule, under a Government of equal laws, must apply to both.

From these views, Mr. Chairman, of the principles contained in the report of the Committee of Elections on the case in question, and of the obvious inconsistency of its different parts, we may easily determine, whether that clear and positive case is made out, without which the right of a sitting member, and the clearly expressed will of the people, ought never to be set aside.

When Mr. BAILEY had concluded—

Mr. STORRS, of New York, put several queries in illustration of the case.

To which Mr. BAILEY briefly replied.

Mr. MOORE, of Alabama, moved that the committee rise; which motion was negatived—ayes 71, noes 75.

Mr. BRENT then spoke in support of the right of Mr. BAILEY to his seat, and against the report of the committee, which he moved to amend by striking out the word "not."

Mr. FULLER, of Massachusetts, expressed a wish to deliver his sentiments, but, on account of the lateness of the hour, moved that the committee rise; which was carried.

The committee rose accordingly, and, having reported progress, had leave to sit again.

WEDNESDAY, March 17.

Mr. Bailey's Case.

The House then passed to the orders of the day, and went into a Committee of the Whole,

MARCH, 1824.]

Mr. Bailey's Case.

[H. OF R.]

(Mr. COBB in the chair.) on the report of the Committee of Elections in the case of John Bailey.

And the question being on Mr. BRENN's motion, to strike out the word "not" in the close of that report, so as to make it declare that Mr. Bailey is entitled to a seat on the floor of this House.

Mr. FULLER said he felt some embarrassment in addressing the committee, in consequence of the notice given yesterday of his intention, a circumstance he always, if possible, avoided. He would not deny, he said, that he felt a strong desire to convince them of the correctness of the views which he entertained upon the subject of the contested election of the sitting member from the district of Norfolk, in Massachusetts.

The power of deciding upon the claims of members to their seats is given in the 1st article, 5th section of the constitution, in these words, viz: "Each House shall be the judge of the elections, returns, and *qualifications*, of its own members." This clause comprehends three particulars: elections, returns, and "qualifications." The two first, it is manifest, cannot have been previously considered and determined by the people themselves, and are, therefore, to be determined by the House, unaided and uninfluenced by such previous determination. But the "qualifications" of the member, as they must have existed before and at the time of the election, must be presumed to have had the deliberate consideration of the electors themselves, and if the House should reverse their decision, it ought to be supported by the most clear and incontrovertible reasons. What are the qualifications required by the constitution for a member of this body? That he be twenty-five years of age, have been seven years a citizen of the United States, and "when elected, an inhabitant of the State in which he shall be chosen." The last of these qualifications is the only one necessary to be considered in the present case; and of this, above all others, I contend, said Mr. F., that the citizens by whose suffrages the member was elected, and has hitherto held his seat, possessed far better means of judging correctly than this House, or its Committee of Elections, can possibly possess. Without going, at this moment, into technical definitions of the term *inhabitant*, I may safely affirm that the *spirit* and *intent* of the constitution, in requiring a member to be an inhabitant; to secure a perfect knowledge of the sentiments and interests of his constituents; to identify his views and springs of action with theirs, may be more safely confided in its application to the constituents themselves than to any other tribunal whatever. The general character of a candidate for the people's favor, his habits of intercourse with themselves, his knowledge of their circumstances, opinions, and interests, are peculiarly within their view, and subject to their observation. They cannot possibly err in their judgment upon these points; and their interest

coincides with their local and personal feelings in withholding their suffrages from any candidate who is deficient in these respects. If they are satisfied, there can be very little danger that the member is wanting in the qualification of being an inhabitant according to the *spirit* of the constitution. Now, this judgment of the Electors is founded upon innumerable circumstances of daily occurrence, which can never admit of being detailed in depositions, and, therefore, cannot be presented in their true and proper light to this House. Hence arises the obvious inference, that the decision of the people on this point ought not to be reversed but upon palpable grounds, and by no means upon any construction or technical nicety in regard to the terms employed by the framers of the constitution.

As a preliminary, it is important to ascertain the import of the term *inhabitant*, as used in the Constitution of the United States; and I cannot but express some surprise at the limited and very loose conceptions of the committee, on this point. But I ought here to observe that, in the course of my remarks, though I shall often have occasion to dissent entirely from the committee, a majority of whom only concurred in their report, both in their premises, and in their general reasoning, I nevertheless feel a sincere respect for them, personally, and I freely accord to them the merit of honorable intentions and of patient inquiry. Nor ought any censure to attach to those citizens of Norfolk district, however few in number, who deemed it their duty to bring before this House a question upon the constitution of their country, which they might deem important. In their definition, the committee say, the word *inhabitant* comprehends a simple fact, "locality of existence." Report, p. 4. In the next page, they quote *Vattel*, book 1, ch. 19, sec. 213, "the inhabitants, as distinguished from citizens, are strangers, who are permitted to settle and stay in the country; they do not participate in all the rights of citizens." Is it possible, that this definition from *Vattel*, who is merely describing strangers and foreigners, can be the sense in which the word "inhabitant" was used by the framers of our constitution? It is apparent, that the translator of *Vattel* has used the word *inhabitant*, in the sense which is universally attached to the word *resident*; and without having examined the original for the purpose, I think it probable the idea of the author would have been correctly expressed in our language, by the latter word. But, however that may be, the constitution, in speaking of *inhabitant*, certainly does not mean "strangers" or foreigners. Equally certain it is, that "locality of existence" is not the constitutional definition, since this transfers a man's inhabitancy from one place to another, whensoever he may be obliged to journey from one town or State to another, however short his stay, and however speedy his return. Every absence from the place of his permanent abode

would be a suspension of his inhabitancy, and a temporary disfranchisement of his rights, under the constitution. The true meaning of the word inhabitant, in my opinion, is, a person who has a permanent home or domicile in a place. In this definition I am sustained by *Vattel*: "The domicile is the habitation fixed in any place, with the intention of always staying there. A man does not, then, establish his domicile in any place, unless he make sufficiently known his intention of fixing there, either tacitly or by an express declaration. However, this declaration is no reason why, if he afterwards changes his mind, he may not remove his domicile elsewhere. In this sense, he who stops, even for a long time in a place, for the management of his affairs, has only a simple habitation there, but has no domicile." B. 1, ch. 19, sect. 218. That it is in this sense of permanent habitation, that the word inhabitant is used in the constitution, is clearly shown from the fact adverted to in the report of the committee itself. The word resident was used in the first draught of the constitution, and afterwards, upon mature consideration, was struck out, and "inhabitant" substituted, as it now stands, as the qualification for Representatives; while, in art. 2, sec. 1, it was provided, in the original draught, that the President shall have been fourteen years an "inhabitant" of the United States, and was afterwards so altered as to require the present provision, viz: that he shall have been "fourteen years a resident within the United States." Hence, it is certain that it was then intended, as to the candidate for President, not merely that he should have his permanent habitation for that period of time, in the country, because such habitation would not preclude his absence from the country on public or private business, perhaps two-thirds of the time; but he should have the advantage of actual residence, or, in the words of the report, of "local existence," during that period, within the limits of the country over which he is to preside. At the same time, a Representative is required, not merely to have his residence, or temporary "local existence," in the State "when elected," which he might do, without any fixed habitation there, and without having ever passed a month or even a week within the State, or having any right or interest in common with its citizens; but he must have his permanent habitation or domicile in the State, which is implied in requiring him to be an "inhabitant." How much more wise and effectual is this provision, than the requisition of residence only, must be obvious to all; yet, it is in this sense only, by the construction of the committee, that a Representative is required to be an inhabitant. He must, when elected, have his "local existence" within the State, but his permanent habitation may be in any other State, or in any other country! Their quotations from *Vattel*, showing that inhabitants may be strangers, that is to say,

foreigners, fully justifies me in ascribing to them this preposterous interpretation of the constitution.

The committee very properly concede, that the definition of the word "inhabitant," as it was contemporaneously understood in Massachusetts, ought to have great weight in fixing its import in the present case; and they cite a passage in the constitution of that State, for the purpose of sustaining their own conclusion upon that point, viz: "To remove all doubt concerning the word inhabitant, in this constitution, every person shall be considered an inhabitant for the purpose of electing and being elected, into any office or place within the State, in that town, district, or plantation, where he dwelleth or hath his home." Rep. p. 6. Now this passage in our State constitution is in point, not to support, but to confute, the reasoning of the committee; for it shows, conclusively, that the citizens of Massachusetts can elect and be elected, not where they have a mere "local existence," where they are "strangers," in the language of *Vattel*; but, where they have their "home"—their domicile, or permanent residence.

In conformity with this understanding of their constitution, has been the constant usage in Massachusetts, of which it is easy to enumerate many instances in point. As a qualification for the office of Governor, the same constitution requires that the candidate shall have been an inhabitant of the State for seven years "next preceding his election." Mr. Gore had been absent in England, six or seven years, as a commissioner under the treaty of 1794, and within three or four years after his return was elected Governor. This was in times of violent party contention, yet, among many objections taken at the scrutiny in the Legislature, this was never once mentioned. The present Governor, Eustis, had been absent from his country on a foreign mission, for many years, and within three or four years after his return was elected to the same office. It never once occurred to those who preferred his rival that he was not eligible, because, for more than half the "seven years next preceding his election," he had had his "local existence" in a foreign country. Nor are instances wanting of persons who were absent on their own private concerns, being elected to offices requiring, by the constitution, that they should have been inhabitants a term of years, which included the period of their absence, "next preceding" their election; among whom the cases of Benjamin Hitchborn and William Hull were in evidence before the committee. To obviate the force of these practical interpretations of the term "inhabitant," as used in Massachusetts, the committee are obliged to resort to the supposition that the elections were not duly contested or scrutinized, because such opposition to the "choice of the people is a very unpleasant task." But the fact is well known that this "unpleasant task" was constantly, and with avidity, undertaken by ri-

MARCH, 1824.]

Mr. Bailey's Case.

[H. OF R.]

vals and partisans, whenever any plausible pretext was afforded; and many examples of successful opposition to sitting members might easily be adduced. The real cause of forbearance to take this exception to the validity of the elections, before stated, was, that the common sense and understanding of the community concurred in giving the construction for which we contend, to the term in question.

How, then, it may be asked, is the permanent domicile, the home or habitation of a person to be determined—of a man who, though once well known as both an inhabitant and resident, has been several years absent? The answer is not difficult; the true characteristic is the *animus revertendi*, the intent of returning. When a person removes from his proper home, and goes to another State or country with the intention of fixing there his home, his rights, as an inhabitant of the place from which he departs, cease immediately, and do not continue, as the committee erroneously suppose, till he shall have acquired new rights in “the place where he has taken up his residence.” Rep. p. 5. The very act of departure, with the intention of not returning, severs at once his relation of citizen, and divests all his rights and privileges as such. On the contrary, if he leaves his home for any other State or country to transact business, public or private—as a minister, a foreign court, or a consul; or, as a merchant, a factor, or a student—still intending, when the object of his departure from his permanent home shall have been accomplished, to return and resume his accustomed residence; then he is never divested of the rights which his inhabitancy conferred. His absence, it is true, deprived him, in some respects, of enjoying those rights, while it continued, but the rights themselves were neither extinguished nor suspended.

In many cases, it is true, there may be much difficulty in determining, or proving, the existence or non-existence of the intention of returning; and I have no doubt the confused and contradictory reasoning of the committee may be, in a great degree, traced to their mistaking the evidence of the criterion for the criterion itself. Thus they say, p. 8, if a son absents himself from his father's house for years, and in the mean time marries a wife—his original domicile must be considered as abandoned, and a new one established, &c. Now, who does not see that the mere circumstances of absence from his home for several years, and marrying a wife in another place, are not *ipso facto* a permanent change of habitation; they are, indeed, circumstances having a tendency to establish the real criterion, the intention. The truth is, a person cannot assume the right of a citizen or inhabitant in the place to which he removes, without his own voluntary assent. The relation of a citizen to the country or community where he belongs, is a contract, and his assent is indispensable. By mere residence, it is true, he incurs certain obligations, and by comity between our States and cities, his silence

alone might be considered as implying his assent to become a citizen; but if he remains silent, when he really does not intend to become a citizen by a permanent residence, and by that means is admitted to exercise the rights of a citizen, he commits a fraud upon the community, whose comity is thus abused. If he disclosed the truth, that he considers the place from which he came as his proper home, and that he does not intend to become a citizen of the place of his temporary residence, nor to identify himself as such with its interests; he could not be admitted to the privileges of citizens and inhabitants. Will any one deny that a person, persisting in such an intention, explicitly avowed, of returning to Boston or Philadelphia, his native city, and the place from which he had emigrated, would not be allowed, at Richmond or Charleston, to exercise the right of suffrage as a citizen? No length of time, not even marriage or any other circumstance, could obviate the single objection as long as it continued to exist. Our laws for naturalization of aliens require a solemn declaration in a court of record of the wish and intention of foreigners to take upon themselves the duties and rights of citizens. The difference between foreigners and the inhabitants of the United States, in relation to each other, is only in the degree of alienage, if I may use the expression; the principles in transfer of rights and obligations from citizens of one State to another, are perfectly analogous. The intention in one case must be solemnly avowed in a court, in the other it is sometimes inferred from residence and silence, with other concurrent circumstances; but, in neither case, can the new relation of citizen be obtained against the explicit intention of the individual himself.

Let us apply these principles to the case of the member from Massachusetts, whose seat is contested. He is a native of Canton, in the State for which he was elected; but, at an early age, left his father's house, and received his education at a college in a neighboring State. When his education was completed, he was appointed an instructor in the same seminary, where he remained several years.

On his return to his native place, he was very shortly elected a member of the Legislature of the State, and on that occasion, his absence from the State was urged as a disqualification under the provision of the constitution of the State before stated, requiring the inhabitancy of members within the State for a term of years next preceding. After full investigation, the objection was abandoned, which is another practical interpretation of the term inhabitant, in the State of Massachusetts. In autumn, 1817, he was appointed by the Secretary of State a clerk in that department, in which situation he remained, till he was elected to the station which he now occupies. During this period, he has frequently revisited his friends in Norfolk district, and has constantly maintained such an intercourse through the medium

H. OF R.]

Mr. Bailey's Case.

[MARCH, 1824.]

of friends and correspondents, as has preserved an intimate knowledge of his present constituents, and of their sentiments and political views. Indeed, without this, it may safely be affirmed he could not have obtained a nomination, much less an election, against numerous competitors and powerful opposition. Several years since, it is within my personal knowledge, though not included in the printed evidence before the committee, that he was a candidate for the same station, which, however, was at that time conferred on the worthy predecessor in this House of Governor Eustis. Before his appointment to the State department, and while an instructor at Providence, he selected a library, of considerable value, which was placed in his apartment in his father's house, and there still remains. In Washington he had lived in a boarding-house, and devoted his attention exclusively to his official duties, taking no share whatever in the local concerns of the city or the District. He never assembled at the ward or other local meetings, was never a candidate for any office, was never assessed in any tax, or took any other concern in the interests of the place, than any stranger. Had he intended to become a citizen of Washington, it is reasonable to presume he would have intermingled in the various measures which have characterized the citizens of the District. With the ambition which we must admit he has always entertained, of participating in the councils of the nation, an honorable ambition, of which he never lost sight, instead of seeking that distinction from the suffrages of his native district of Norfolk, he would probably have been foremost among those who have so exerted their efforts to obtain a delegate for the District of Columbia upon the floor of this House. In these efforts he might reasonably have expected some distinction; and, could the point have been attained by delivering the citizens from what some of them have recently denominated the "despotism" of Congress—a paternal despotism, however, they admit it to be—he might fairly have challenged a high place among the "liberators" of the present times. From all these overt acts of citizenship, he wholly abstained; and these, in my opinion, constitute a chain of negative facts, which, in coincidence with his continued and uncontradicted declarations of his intention of remaining a citizen and inhabitant of Massachusetts, which are so explicitly proved, can leave no possible doubt that such was his intention, fixed and unchanging, from the day of his departure to the present hour.

Mr. RANDOLPH, of Virginia, made a short speech in support of the report, and against the right of the sitting member.

The question was then taken on the motion to strike out the word "not," and decided in the negative—ayes 55, noes 105.

So the Committee of the Whole refused to reverse the opinion expressed by the Committee of Elections, adverse to Mr. Bailey's claim to a seat.

Mr. RANDOLPH then moved that the committee rise, and report their concurrence with that report.

Mr. BAILEY expressed a wish to address the House, and was desirous that the gentleman from Virginia would withdraw his motion, and suffer the committee to report progress, and ask leave to sit again.

Mr. BRENT opposed the motion of Mr. RANDOLPH.

Mr. FULLER moved to report progress and ask leave to sit again.

The Chair pronounced this motion out of order, as it was not yet four o'clock, and the rule of the House forbade such a motion in Committee of the Whole, before that hour, unless to ask leave to sit on a day subsequent to the next succeeding one.

Mr. McDUFFIE contended that the rule did not apply, and appealed from the decision of the Chair.

Some confusion ensued. Several members were up at once. The appeal was withdrawn, and, after much altercation, the question was taken on reporting and asking leave, and decided in the negative—ayes 79, noes 86.

The question was next put on reporting the resolution of the committee without amendment, and carried.

The hour of four having by this time arrived, Mr. FULLER renewed his motion to rise, report progress, and ask leave to sit again, which was carried.

The committee rose accordingly, reported the resolution, and asked leave to sit again; and the question being put on granting leave, it was decided in the affirmative—ayes 84, noes 80.

And then, on motion of Mr. CULPEPER, the House adjourned.

[The grounds on which this question rests, will be best understood by comparing the report of the Committee of Elections with Mr. Bailey's reply. It may be necessary, summarily, to state that Mr. Bailey, when elected by his constituents at Norfolk, in Massachusetts, was, and for several years had been, residing at Washington, performing the duty of a clerk in the Department of State, and had married in this city; but had taken no share in municipal concerns here, and constantly declared his intention to return to Massachusetts, where his home was stated to be, and where he possessed a valuable library. It is contended by the Committee of Elections, that he was not an "inhabitant" of Norfolk in the sense of the constitution, but was an inhabitant of Washington; it is insisted on by Mr. B. and his defenders, that, though actually resident at Washington, this residence was temporary, his home was in Norfolk, and he was, therefore, an "inhabitant" of the latter place, within the meaning of the constitution, and was to be considered on the same footing with foreign Ministers, who, though bodily absent, on public service, retain, nevertheless, their homes in their own States, and are eligible to Congress, &c.]

THURSDAY, March 18.

Mr. Bailey's Case.

Mr. STORRS said: Let us discard, sir, these

MARCH, 1824.]

Mr. Bailey's Case.

[H. OF R.]

subtle refinements, which only lead us from perplexity to absurdity, and construe this constitution as we should, according to the plain common acceptance of words. It is a question of common sense merely. The gentleman has resided in this city more than seven years; his family are here; his dwelling-place is here; it is his home. He is eligible to any office under the corporation of the place—a subject of taxation in the District—liable to jury duties. I repeat the question which I put to the committee before. It has not yet been answered. If this District was entitled to a delegate in this House, whose qualification should be that he was an inhabitant of the District of Columbia, would he not be eligible to the place? Is he not now entitled to every privilege or right of an inhabitant of this District, be those rights what they may, civil or political? These questions must be answered in the affirmative; and, unless it can be shown, that he has a sort of double capacity, which may constitute him an inhabitant of two distinct places at one time, and furnish him with two different domicils, he must be considered as an inhabitant of this District. What the nature of his rights may be here, or their extent, is a question of no importance. Be they greater or less, he is entitled to them, whatever they may be. It is enough for us that he has become an inhabitant of the District, and has lost his inhabitancy in Massachusetts, and is thereby rendered obnoxious to that clause of the constitution which forbids his eligibility in that State.

Against these plain conclusions of common sense, it has been maintained, that he is, nevertheless, to be considered, for the purpose of eligibility, an inhabitant of Massachusetts. It is so contended, for the alleged reason that the removal of a person to this District, for the purpose of executing a public office, shall not work a dissolution of his inhabitancy in the State from whence he comes; but that he shall still be deemed to retain his inhabitancy as a citizen of that State. This doctrine can only be maintained on ground derived either from the peculiar political relative situation of the District, or the nature of a public office or employment. What peculiarity, sir, exists in relation to this territory of ten miles square, not common to all other territories of the United States? We have the "power of exercising exclusive legislation in all cases" over it—a phrase which denotes unlimited sovereignty. We are sovereign here precisely in the same sense, and to the same extent, as over all national territory. The same jurisdiction, for the same purposes, to an unlimited degree, we enjoy over them all. Inhabitancy in this District is precisely of the nature of inhabitancy in any other territory of the United States. Are gentlemen prepared to maintain that all the emigrants to the Arkansas, Michigan, or Florida Territories, retain their inhabitancy, under any technical notion, in the respective States from which they went? or if a different rule is to be

applied to their case, I hope gentlemen will point out in what particular such a difference exists from this District, and on what principles it is founded. Is it possible that inhabitancy may be acquired in these Territories by removal to, and settlement in them, and not in this District? It is a distinction altogether untenable.

Is there any thing, then, in the nature of the public employment, or the locality of the duties of the office, which can justly create a distinction? Had the gentleman been appointed collector of the port of Norfolk, to which place he had removed, where he had married, and resided seven years, he would clearly be eligible to this House, as an inhabitant of Virginia. His appointment as a judge in the Territory of Michigan or Florida, and removal to the seat of his duties in such territory, would equally constitute him an inhabitant of the territory, and he would doubtless acquire the capacity of being eligible to this House as a delegate.

If the rule which gentlemen contend for applies to a removal to a Territory by reason of some saving power of original State inhabitancy derived from the nature of the employment, the same reason would preserve the inhabitancy on a removal to other States, and all public functionaries would thus retain or acquire the right of eligibility either in the States from which they removed, or which they had adopted, or both. By such an interpretation of the constitution, all the registers and receivers of your Western land offices, the governors and judges of the Territories, from Lake Erie to Florida, and your Indian agents, are to be deemed inhabitants of their original States and eligible as such to this House. Mr. S. said he hoped gentlemen would also define the extent of this privilege of their original inhabitancy. Were they to be considered as inhabitants of the States from which they emigrated for any other purposes, and for what purposes? Would they be recognized in such States as inhabitants for any local purposes? or must not the argument result in the absurd conclusion that eligibility to this House is the only capacity which they retain during all their migrations? If any such anomalous and incongruous doctrine can be supported, let me, said Mr. S., put a case which has actually occurred and now exists. The present Treasurer of the United States removed from South Carolina to Philadelphia on the organization of the Government—he continued to reside at Philadelphia until the removal of the Seat of Government to this city in 1801. Had he been elected before 1801 as a representative in Congress from the city or county of Philadelphia, would it be seriously urged that he was not an inhabitant of that place, and for that reason ineligible? He has since removed to this city; and I ask whether, by this new doctrine, he is still to be considered as an inhabitant of Philadelphia, or has he been remitted back to his first inhabitancy in South Carolina, because this District is territory, and

not within any of the States—or for any other reason? It has been asked, in general terms, if we are prepared to disfranchise all who hold public offices in the District? No, sir, I am not prepared to outlaw them, if this is what is meant by the question. But, when gentlemen use these extreme expressions, it is well to examine how far the political right of all has been abridged in this respect by the constitution. An inhabitant of one State is deprived of the right of being elected in all the other States. Is there any reason in the imagination of any part of the House, why this District, or those who are inhabitants here, should be more highly favored, and gifted with more unlimited privileges, than the inhabitants of the States? Where, then, is the disfranchisement which has been so often complained of and resounded in this debate, and in what does it consist? The inhabitants of this District are, in this respect, on a perfect equality with all others. If they have not the right of sitting in this House as members, the fault, if anywhere, is in the constitution, which has denied the District a representation, because it is a union of the States and not of Territories.

A motion was now (about 4 o'clock) made to adjourn; lost—ayes 80, noes 95.

Mr. McDUFFIE offered the following amendment:

"That it is the opinion of this House that John Bailey came to the city of Washington in the year 1817, with the intention of returning to the State of Massachusetts, and that the said intention has continued to the time of his election to this House.

"Resolved, therefore, That he is entitled to his seat in this House."

Mr. ARCHER moved to adjourn; but the motion was lost—ayes 80, noes 100.

The question on the amendment was agreed to be taken by yeas and nays.

Mr. TAYLOR called for a division of the question on the amendment.

Mr. SLOAN called for the previous question, which call the House sustained—ayes 93, noes 78.

Mr. MOORE, of Alabama, moved to adjourn, and called for the yeas and nays on the question. The House refused to take it by yeas and nays; and the question being taken, the House refused to adjourn—ayes 41, noes 124.

The main question was then put, (the previous question having precluded all debate as well as amendment,) and decided by yeas and nays,—yeas 125, nays 55.

So it was resolved that John Bailey is not entitled to a seat in this House.

(Pending the call of the yeas and nays, when the vote of Mr. McDUFFIE was called for, he rose and asked to be excused from voting, and gave as a reason, "that he wished those who should come after him into this House, to understand the grounds upon which his vote rested, for which purpose he offered an amendment,

and which had been put aside, without a division, by the previous question."]

FRIDAY, March 19.

Effect of the Tariff, &c.

Mr. VAN RENSSLAER, from the Committee on Agriculture, who were instructed to inquire if an increase of the duty now established by law, on any article of foreign growth or manufacture, will be for the interest of the agriculturist, and if there be any such article, to name the same, together with the additional amount of duty which they deem beneficial to the agricultural interest, made a report; which was laid on the table.

The report is as follows:

That, in the apprehension of your committee, whatever increases the consumption of its products, whether at home or abroad, necessarily advances the interest of agriculture. He who cultivates the soil, looks beyond the supply of his own wants for the profits of his labor. He looks to a market for the surplus products of his industry. The home market, in the opinion of the committee, is at all times to be preferred to the foreign market, when the reward of agricultural pursuits is equal—the former is less precarious than the latter; it is, also, more permanent and certain, and above the reach of restraining and prohibitory duties of foreign hostility; and when the home market can be increased in its demands, without diminishing in a greater degree the foreign consumption, it would seem wise and prudent to promote its extension by every rational means within the sphere of legislation.

Your committee consider the increase of duties on many foreign articles now imported into the United States, would promote the agricultural prosperity of the nation. A portion of population engaged in manufactures would necessarily depend on the farmer for subsistence, and create a more perfect and profitable division of labor than now exists. A new market would be opened, and a new demand created, for all the raw materials which new manufactures would consume. It cannot be denied, that, if all the manufactured articles now consumed by the people of the United States were manufactured within the bounds of our country, from the raw material furnished by ourselves, the value of our lands would be increased, and the profits of agricultural labor considerably augmented. Demand and consumption would be directly extended—a great extent of soil now devoted to the growing of products that afford no efficient stimulus to cultivation. The soil and climate of the United States are capable of producing the various articles necessary for such manufacturing establishments as will most naturally flourish in this country, and of such as would inevitably be consumed, provided manufacturing labor should be extended. By a comprehensive and rigorous system of policy, calculated to unfold our agricultural resources, a spirit of emulation and industry would be diffused over the land; a vast and active system of internal exchange would rise up; the expense of transportation in heavy articles would be, in a great measure, saved; and, in fact, that which should be ardently wished for, in every agricultural country, a home market, would appear; this, too, would prove a market at once va-

MARCH, 1824.]

The Tariff Bill—Tallow.

[H. OF R.]

rious, in point of demand, but sure, steady, and unchanging. The policy, the caprice, the selfishness, and the hostility of other nations could not affect it. On this point, therefore, the committee cannot entertain any doubt. The extension of domestic manufactures, depending on the production of such raw materials as can be found in this country, must increase the demand and consumption of those materials, and of course secure a new and ready market.

As to the articles of foreign growth, to which an increase of duty should apply, in order to promote the prosperity of our agriculture, the committee need only remark, that, if the principles which they advance be sound, the duty should embrace every raw material found or procured with ease and cheapness, and in abundance in the United States. The committee have confined themselves to the home market, in the brief view which they have presented. The question how far the increase of this home market, by an increase of duty on foreign articles, would affect the demand of our agricultural products abroad, leads to a new train of considerations. The first inquiry which naturally occurs on this point is, what are the inducements with foreign nations to purchase the productions of our soil? what their motives? what the moving causes of the market which they extend? Is their policy founded on favor, reciprocity, self-interest, or necessity? On this subject, there is little ground for difference of opinion. Foreign nations act not for us, but for themselves. Favor, and even reciprocity, form no basis for their measures towards us beyond the compass of bare expediency. They will consume our raw materials when they cannot do better; when they can, they will not consume them. When the consumption of our agricultural products comes in contact with any principle of political economy applicable to their own condition, a hostile tariff meets us at their shores. Hence, the foreign market, for the fruits of our soil, depends but little on the sale which foreign manufactures find in this country; and, whether we purchase more or less, foreign nations will graduate their policy towards us, by a standard independent of any general system of duties which we may adopt; at least, so it appears to your committee.

How long would Great Britain purchase our cotton if her own colonies could supply her demands? How many nations would consume any article that is cultivated by the American agriculturist, if they could find their demand supplied on better and more advantageous conditions, by home industry? These questions are answered by their proposition; it is, therefore, the opinion of the committee, that the foreign market for our agricultural products, and for the staple articles of our exports, in the shape of raw materials, will not be essentially affected by any increase of duty on those foreign manufactures which are composed of similar materials.

As to the amount of duty which should be imposed, it must always depend upon a variety of considerations, which need not be detailed; it should be sufficient to secure the exclusive and constant demand of our raw materials, and to sustain the American manufacturer in his pursuits; it must be competent to build up and protect those manufacturing establishments at present in the country, and which, with a reasonable encouragement, will present a constant demand for those raw materials.

In fact, as to the articles of foreign growth or manufacture, which should be taxed in order to increase

our agricultural prosperity, your committee would refer, generally, to the tariff now before the House. The committee do not perceive the necessity of selecting any articles, or of imposing any duties, beyond those embraced by that bill.

The Tariff Bill.

On motion of Mr. TON, the House again went into Committee of the Whole on the state of the Union, (Mr. CONDIOT in the chair,) on the bill for amending the acts laying duties on imports.

The question still being on Mr. McKIM's motion to strike out the 177th line of the bill, "on tallow, four cents per pound."

Tallow.

Mr. BAYLIES said that he felt somewhat discouraged by the symptoms of hostility which had been manifested, in some quarters of the House, to the object of the memorialists of New Bedford and Nantucket. As he had the honor to claim the citizens of one of those towns as constituents, he felt it incumbent on him to offer some remarks touching the memorials and the remonstrances, and, he trusted, that, although four great cities had combined their forces, on this question, that the interests of two humble and obscure villages would not be neglected, if he could, make it appear that it was for the advantage of the nation that those interests should be protected.

The whole population, directly interested in the whale fishery, cannot be estimated at less than 80,000. The tallow-chandlers say that "imported tallow is not fit to be manufactured into candles for exportation, or for home consumption;" of course it can make no difference to them, so far as the manufacture of candles is concerned. But they say "an increased duty will prevent its manufacture and limit the export." It is evident that they wish to keep down the price of tallow, and therefore their interest is at variance with the interest of the growers of cattle.

Should it be admitted that all the evils which the tallow-chandlers apprehend would be realized, yet they find a remedy in the drawback, and the allowance of the drawback reduces the protection to whalemens to almost nothing. I do not know but that I ought to move that the section which allows the drawback should be stricken from the bill.

They obtain, by that section, 75 per cent. of the duty on the export of the article. I am aware that much may be said about the frauds which may be practised on the revenue—I do not pretend to deny but that frauds may be committed; every article embrace in the bill is liable to the same objection; if the whole community are rogues, there is no question but that many frauds may be successfully attempted; but if these tallow-chandlers are what they represent themselves to be, (and I do not feel disposed to question their assertions,) but little danger on this score is to be apprehended—if they are

not, they ought not to receive the benefit of the drawback.

An increased duty on tallow would more immediately promote the interests of the growers of cattle; by the farmer, the effect would be felt at once, while the benefit to the fishery, though equally sure, would be more remote.

The interest of the whale fishery, and of agriculture, are inseparably connected; this connection will clearly appear, if the following circumstances are considered: Nothing is used in the construction of the whale ships but what is obtained from the farmers, with the exception of iron, duck, and cordage.

The timber is obtained from the woodlands of the farmer. The plank are sawed at his mills. His teams are employed in the transportation of the timber and plank—a transportation frequently of twenty, thirty, or forty miles. A ship going round Cape Horn requires from 100 to 150 barrels of beef and pork, 150 barrels of flour, a considerable quantity of peas, beans, cheese, butter, rice, corn, &c.; supplies not drawn from a small territorial space, but from a wide country. Staves and hard pine boards for heading are obtained almost exclusively from the South, particularly from Georgia and the Carolinas.

In the construction of the ships the services of a numerous class of mechanics are required, viz:

Shipwrights, ship-joiners, calkers, riggers, blockmakers, sailmakers, blacksmiths, boat-builders, painters, &c.

All these mechanics are fed by the farmers.

Another branch of mechanical industry, not much required in other vessels, is in constant requisition for the service of the fishery, viz: that of coopers, in manufacturing the casks necessary to contain the oil which is obtained in the whale voyages.

The manufacture of iron hoops for the casks has already become a great and profitable branch of manufacturing labor. Twelve hundred tons are said to be annually required.

Numbers of coasting vessels are constantly employed in the service of the whale ships. First, in bringing from New York and the States further South the flour and provisions for feeding the crew, and in the transportation of staves, boards, &c.; and then in transporting the oil along the coast to supply the light-houses, and the towns and cities on the Atlantic.

Hemp, iron, and duck, pay high duties to the revenue, as also the molasses, sugar, tea, coffee, liquors, &c., which are used for ship stores.

The mind, in pursuing the business created by this fishery into all its ramifications, is lost in utter astonishment at finding such a vast variety of interests to be involved in it, and such an equal diffusion of its benefits; not enriching monopolists, but bringing plenty to the door of the farmer, the mechanic, the manufacturer, and the merchant; not paying a miserable stipend of monthly wages for the toils, the dangers, the sufferings, the sickness, and the

lives of our noble-hearted and invaluable seamen, but admitting them to share the profits as well as the dangers of their long and adventurous voyages. The oil is shared in certain proportions by the ship-owners, masters, mates, seamen, and, boys. The interest is common. The profit is common. The loss is common. There is certainly no branch of navigation or manufactures which, according to the capital employed, requires so much labor as this.

The memorialists of New Bedford and Nantucket expect no relief, unless it shall appear, after a full examination, that it would be for the national interest that they should be relieved.

Every day's experience proves that it is to our Navy we must look for the protection of our commerce,

That Navy, to be efficient, must be manned by young, hardy, and active seamen. As a nursery of such seamen this fishery is invaluable. Every whale ship takes from six to nine green hands; and, after one voyage, returns them finished seamen, made so, sir, by the long and continuous voyage, and by the sober, correct, and steady discipline which universally prevails in these ships. They are returned with untainted morals, and with qualities peculiar and great; yes, sir, great. It requires no ordinary resolution to unfurl the sail to the winds of heaven; to separate from persons and objects made dear by association, connection, and family ties; to abandon for years the face of civilization—their ship their world, with nothing around them but the wide waste of waters;

“ Their march upon the mountain wave,
Their home upon the deep.”

It is by long separation from accustomed associations, that men acquire that habitude of thought and of action, which qualifies them for the employment to which they are destined. The seamen nurtured in this employment are the hardest, the boldest, the most adventurous, the most enterprising in the world. Without question, they surpass all others. The nature of their employment stimulates and strengthens qualities the most rare, and the most valuable.

It is not by creeping along our coast, or dodging into a port in the West Indies, or performing a fair-weather voyage to Europe, that seamen are made. In this fishery the very boys are fashioned into heroes: they are inured to danger in its direst form. The man who can steer a boat upon, or strike a harpoon into a whale, cannot be a coward; courage is as necessary to him as the air to life, and not only courage but coolness and presence of mind. Nurtured on the ocean, he is familiarized to its dangers; no circumstances can disconcert, no disasters intimidate him. The horrors of a sea fight have no terrors for the whaler; he is constantly engaged in fights, which render the puny efforts of hostile man but sport to him. Some of these seamen were in the Essex, and was the gallant commander of that ill-fated ship now present, he could tell you, sir, that,

MARCH, 1824.]

The Tariff Bill—Tallow.

[H. OF R.]

during that horrible scene at Valparaiso, when he stood on his deck knee deep in blood and carnage, when his men were falling in masses around him, until, to use the words of Mr. Madison, "humanity tore down the colors which valor had nailed to the mast"—he could tell you, sir, that, during this disastrous time, during this scene of horrors, he found no braver spirits in his ship than the whalers of New England.

A gentleman from New York, (Mr. CAMBRELENG,) in a speech with which he favored this committee, a few days since, on the general merits of this bill, has appropriated the splendid eulogium pronounced by Edmund Burke, in the British Parliament, 1774, to our ancestors generally, and to our commerce generally. It was hardly fair in him, hostile as he is to the interests of the whalers [Mr. CAMBRELENG denied that he was hostile to them. Mr. BAYLIES expressed his satisfaction to find it so, and continued]—I say, sir, that this beautiful effusion of eloquence was elicited from Burke on the subject of the whale fishery, when the fishery was confined to Nantucket and New Bedford. It will well bear repeating, and with the indulgence of the committee I will repeat it.

Mr. BAYLIES then read an extract from Burke's speech on conciliation with America:

"As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar.

"You surely thought those acquisitions of value; for they even seemed to excite your envy; and yet the spirit by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits; whilst we are looking for them beneath the arctic circle—we hear that they have pierced into the opposite region of polar cold; that they are at the antipodes, and engaged under the frozen serpent of the South. Falkland Islands, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry.

"Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that, whilst some of them draw the line, and strike the harpoon, on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils.

"Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, in the gristle, and not yet hardened into the bone of manhood."

Thus did that most illustrious statesman speak in the British Parliament, of this fishery in 1774, when it had not attained, in any degree, to its present magnitude, whether considered in reference to the capital, tonnage, number of seamen, or the length and duration of the voyages. The flight of an imagination which seemed to pervade the whole circle of human existence, did not waft his mind to the points to which these enterprising, these adventurous navigators, have attained. Instead of stopping at the Falkland Islands, or the polar ices of the South, the all-creating imagination of Burke could scarcely have followed them along the long track of waters which they now encompass. The range of their enterprise is limited only by the limits of the world. They now pursue their "gigantic game" all round an ocean which, in 1774, they had not entered, or scarcely approached. Those lonely isles in the South Sea, on "ocean's bound," are as familiar to them, more familiar, than the city of Washington. Sometimes they may be found at the desolate Massafuero. Sometimes on the coast of California. Sometimes off the secluded harbors of Japan. Sometimes at Madagascar. Sometimes at New Holland, and sometimes at that horrible region, lately discovered, called New Shetland, the clime of eternal winter.

This fishery began very early, in the vicinity of Nantucket, in open boats. In 1774, it was what Burke described it to be. With its present condition, the committee are acquainted.

It has grown to its present greatness without patronage, without bounty, without protection, almost without notice.

For protection, the whalers have never asked. While subsistence was to be derived from their employment, they never obtruded themselves upon the Government. Contented with the gains of their "hard industry," they persisted in this course until, to use the language of the New York and Baltimore memorialists, they found themselves "half ruined," and, to prevent total ruin, they have presented their grievances to the nation.

When Mr. BAYLIES had concluded—

Mr. CAMBRELENG, of New York, rose in reply, and contended that the proposed duty, if granted, would not be any relief to those engaged in the fisheries. He stated the operation of the duty to be nugatory, because a drawback is allowed by the bill on exported soap and candles, and the whole amount of imported tallow, (about a million of pounds,) is now made into soap and candles for exportation—so that the Government would collect the duty with one hand, and pay it back in drawback with the other.

Mr. WEBSTER, of Massachusetts, went fully into an exposition of the facts of the case; showed why the Russian tallow is cheaper, its use in the manufacture of soap—the amount exported, the benefit of its use to the manufacturer, and the gain to the country. He then

went on to show that the benefits of the duty to the whalemens and oil dealers would be very doubtful, and would by no means compensate for the loss of exports, which must be its effect. He showed that the proposed drawback would be of no use to the manufacturer, being paid to the importing merchant; and if it were, it could not be estimated, because the import is in tallow, and the export chiefly in soap. He remarked with severity on the doctrine that a balance resulting from a comparison of the amount of imports and exports to any particular country, shows whether we gain or lose by trade with that country—which he denominated jargon and nonsense. We export nothing to the South Seas, and bring back great amounts from there; so the balance of the trade is against us. Is it therefore a losing trade?

Mr. REED, of Massachusetts, replied to Mr. WEBSTER, and stated the claims of the whalemens to the protection of this country. He observed that the inhabitants of Nantucket were almost ruined by the Revolutionary war; that in 1783, the British, sensible of the great value of such seamen, offered very liberal bounties to the inhabitants of Nantucket, to go either to Great Britain or to settle in their colonies in this country. That the French nation, through Marquis de Lafayette, made very liberal offers also; that both offers had been rejected, a few instances only excepted; that, while England, France, and Holland had paid heavy bounties in aid of their whale fisheries, our whale fishery had been prosecuted successfully, unaided by the Government—it had, indeed, paid heavy taxes to the Government. He added, that he was proud of the fact; that it was an example worth recording in our history, &c. He objected to the drawback on candles, because of their confessedly bad quality, they being so bad as to render it disgraceful to offer them at home. Mr. R. went into a calculation to show that large quantities of our own tallow, as well as the foreign, went into the soap exported. He showed how much greater the amount of the interests to be protected in the case of the whalemens was than in that of the tallow chandlers—one employed 50,000 tons of shipping, the other but 4,000 or 5,000, &c.

Mr. TOLSON replied to the various arguments urged against the duty—urged that the one class of memorialists was entitled to as much credit as the other, though it did not seem to be granted to them. That large quantities of the inferior tallow imported, were used in the manufacture of candles. He rebutted the impracticability of a drawback, by the fact that a drawback of the duty on imported molasses is allowed on the export of rum. He replied to the argument from the probability of fraud, by showing that before drawback could be claimed, the amount of tallow imported by the same individual must be proved. He insisted on the disproportion of the imported and exported tallow. He retorted some reflections of Mr. WEB-

STER, on the doctrine of the balance of trade; he quoted the advice of Lord Bacon—adverted to the policy of England, and declared his determination to adhere to “jargon,” which had raised that empire to the summit of wealth and power. The whale fisheries were in imminent danger, and without protection must decline, if not perish; we give them no bounty, and they now, for the first time, ask a small protection, &c.

Mr. WEBSTER rejoined—explained some of the grounds he had before taken; and further enlarged on the doctrine respecting the balance of trade. He protested against the authority of Bacon, in the reign of James I., (the era of monopolies, and every thing contracted and ridiculous in commercial matters,) and referred to the improvement which had been the result of two centuries. The value of trade was not altered by its being circuitous—provided it was profitable in the end, the more circuitous and multifarious in its intermediate stages, the better for the interests of navigation.

Before this amendment was acted upon, the committee rose, and the House adjourned.

SATURDAY, March 20.

Portrait of Washington.

Mr. BRECK, from the committee to whom the subject was recommitted, reported an amendment to the resolution formerly reported to the House, authorizing the purchase of a Portrait of Washington, so as to make it read as follows:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized to procure from Rembrandt Peale, of Philadelphia, a painting (to be placed in the Capitol) of Washington, on horseback, on a canvas of not less than eighteen feet high, and thirteen wide; the middle and backgrounds to contain a representation of the battle of Princeton, or such other appropriate scenery as the President shall direct: *Provided,* The same can be obtained for a sum not exceeding three thousand dollars; and that the said Peale furnish a rich gilt frame therefor, at least fifteen inches wide.

MONDAY, March 22.

Adjournment, &c.

Mr. ALLEN called up the joint resolution offered by him some days since, respecting an adjournment; but the House refused to consider it—ayes 44, noes 88.

Mr. RANDOLPH observed, that the vernal equinox was now passed, and he thought it was time that every member who did not intend to rely on the public crib, but to feed out of his own corn-house, should go home and plant his corn; and he hoped that the honorable member from Massachusetts would continue to repeat his motion until it should obtain a more favorable reception by the House. The pro-

MARCH, 1824.]

Contingencies.

[H. OF R.]

tracted sessions of Congress (which, however, he thanked God, could take place only every other year) he considered as fraught with incalculable mischief. They excluded from the public service an important and valuable class of men.

[Here the Speaker interposed, and pronounced Mr. R.'s remarks to be out of order, inasmuch as the House had refused to consider the resolution.]

Mr. R. observed that he had intended to conclude his observations by making a motion; but he should stand corrected.

Mr. TAYLOR then made a motion to alter the hour of meeting to eleven o'clock, A. M., and supported his motion by a short speech, in which he adverted to the amount of business in arrear, and the injurious consequences of long sessions.

Mr. RANDOLPH again rose and said that he should take the liberty which the gentleman from New York seemed so willing to take himself, but to refuse to others—no uncommon case—of making some observations on an interdicted subject. He should, in the selection of his topics, pursue his own lights, however feeble, without availing himself of the very great discernment, sagacity, experience—he wished he could enlarge the catalogue—of the gentleman from New York. I, for one, said Mr. R., voted for the repeal of that preposterous rule which, even if this building were on fire, prevented the House from adjourning before 4 o'clock; and I did suppose that, in its spirit, it went to repeal the other rule on the same subject, in reference to the proceedings of the Committee of the Whole. Four hours per diem is as long as I, at least, am able to endure—I will not say, the pestilential atmosphere of this House, but an atmosphere, such as nothing but the wretched animals plunged in the Grotto del Cane, near Naples, were compelled to breathe, to gratify the laudable curiosity of the very benevolent philosophers of modern Europe. I hope the gentleman's motion will not be adopted—and I now give notice, that I mean to follow up his motion with one which relates to a subject which requires, if not the actual canter, at least the knife—it is a motion to reduce the per diem allowance of members of this House, to what it was when I first had the honor of a seat here, and which I then thought, and still think, as a per diem allowance, was fixed a great deal too high.

If the present system is suffered to continue, instead of having, in Congress, great leading professional men, we shall have what have been well denominated the merely mechanical, the instrumental members of those professions. And, as to the landed interest, how can we expect it to be represented, when it is ruin to a landed man to attend here? I, for one, cannot, sir, consent to sit here for so many months, *de die in diem*, for six days in the week, and near nothing but the same strain forever repeated. It is enough, sir, to worry the patience

of Job himself. I shall therefore move that, from and after the end of the present session of Congress, the per diem allowance of members be six dollars, and the allowance for travelling expenses be the same sum for every twenty miles travelling.

The question was then taken on Mr. TAYLOR's resolution, and carried.

Mr. RANDOLPH moved the following:

Resolved, That from and after the end of the present session of Congress, the per diem allowance of members shall be six dollars, and six dollars for every twenty miles travelling."

This resolution he desired to lay on the table, and he gave notice that he should call up its consideration on Friday next.

The question being put on laying the resolve on the table, it was carried—ayes 80, noes 60.

Navy Appropriation Bill.

Mr. McLANE moved to postpone all the previous orders of the day to take up the bill making provision for the naval service of the United States for the year 1824. The motion was carried—ayes 84, noes 68.

The House then went into Committee of the Whole, (Mr BARTLETT in the chair,) on the consideration of the above bill, and proceeded to consider the same, item by item.

Contingencies.

Some of the items gave rise to considerable discussion, particularly that which proposes to appropriate \$225,000 for "contingent expenses, including all extra allowances." In this discussion, Messrs. COBB, COOKE, McLANE, TAYLOR, FORSYTH, and others, engaged.

Mr. COOKE examined in detail the expenditures under this head during the past year, to many of which he took exception, and particularly to the charge for travelling expenses, which formed a part of almost every account settled, from which he said, it would appear that almost the whole navy of the United States was consequently employed in travelling from one part of the country to another. To many other items he also objected, particularly to the allowance to the Navy Agent at New York, of more than \$7,000, under this head, whilst he was largely indebted to the Government, &c.—to *extra* pay, house rent, &c., to surgeons, recruiting officers, &c.—to the payment of \$1,000 to a professional gentleman for services of Judge Advocate; and lastly, to the expenses allowed to the Commissioners of the Navy for going to the eastward, some time about the New York Races, but perhaps, also, upon other business. Mr. C. concluded by moving to reduce the appropriation for this item to a hundred and fifty thousand dollars, which he afterwards varied to a hundred and eighty thousand dollars.

Mr. McLANE replied to the objections of Mr. COOKE, by statements derived from official papers which he had received in reply to inqui-

ries made upon the subject at the proper offices by the Committee of Ways and Means, although he himself thought there were items of expenditure under this head which were objectionable, and was inclined to think that this fund had not been administered as it ought to have been. But many of these items, he said, had always been allowed, and were indispensable,—such as the necessary expense of travelling to attend courts-martial, fuel, quarters, &c. From the information which he had received, this item of appropriation was subject to the payment of clerk-hire, office-rent, stationery, transportation of munitions of war, freight, pilotage, wharfage, storage, and all those objects of expenditure not included under any specific head of appropriation, though forming collectively an important item. If there were any abuse in the expenditure, he was inclined to think it was in allowing travelling expenses to officers who are not ordered on special service, but merely to join their ships. If that were forbidden, it would reduce the amount perhaps some eight or ten thousand dollars. At present, however, he thought it better to make the appropriation called for, and leave the abuses, if any, to be corrected by the administration of the Navy Department. Mr. McL. here read several papers connected with this subject, one of which, from the Secretary of the Navy, stated the sum of \$225,000 to be absolutely necessary for the contingent expenditure of the present year. Mr. McL. also reviewed the history of this particular appropriation, and showed that the amount now asked for was less than the average appropriation for the same item for the last five years, &c.

The question being taken on filling the blank with \$225,000, as asked by the Navy Department, and moved by the Chairman of the Committee of Ways and Means, there were, ayes 32, noes 54; a quorum not being present, an officer was despatched to summons absent members.

Mr. WHIPPLE made some remarks in support of the appropriation; as, if it were withheld, serious embarrassment might ensue. The present incumbent had not had time to reform abuses, if they did exist. He hoped a thorough investigation would take place as soon as the proper time had been allowed to him.

Mr. TAYLOR stated what had been formerly expended under this head. He showed why it should be somewhat larger the present year, from the employment of the West India squadron, &c. He vindicated the conduct of the late Secretary of the Navy, but could have wished that several of the items in the account of contingent expenses had been more explicit. On the whole, he did not see that the sum could now be reduced.

Mr. LIVERMORE observed that, whatever the sum appropriated under the head of contingencies, it was always expended. It was never too much, but always just enough—and so he supposed it would be if it were made half a mil-

lion. He did not impute this to malfeasance in the heads of departments, &c.

Mr. COCKE replied to Mr. TAYLOR. The additional expenses occasioned by the West India squadron, and those for repairs, were not included in this amount. The whole of this sum went to the gentlemen on shore. Those in service, at sea, got none of it. He had found, on inquiring in the offices, that certain accounts were allowed because S. T. was written against them. He was opposed to all usage and custom not fixed by law.

Mr. CULPEPER hoped the appropriation would be reduced, as he was satisfied some improper sums had been formerly allowed.

Mr. DWIGHT wished information as to one item of expenditure, which was to be allowed to Henry Eckford, of \$2,000 for an acre of ground in a barren country, &c.

Mr. TUCKER stated reasons why the Committee of Accounts for the Navy Department had not reported generally on the subject of these expenditures.

Mr. WHIPPLE replied to Mr. COCKE, and referred to a former year, when the appropriation in the Indian Department had been suddenly reduced, and sad consequences ensued. To Mr. LIVERMORE he answered by referring to the fact that \$17,000 of last year's appropriation remained, at this moment, unexpended.

Mr. LIVERMORE corrected the gentleman last up. The balance was not \$17,000, but only \$11 37 cents. The appropriation asked was for extra allowances, and officers would always present demands enough to absorb it.

Mr. STORES corrected a misunderstanding as to some of the documents which had been quoted, which he showed was no basis from which to calculate the present appropriation.

Mr. McLANE replied, and explained the document referred to by Mr. STORES.

Mr. WILLIAMS, of North Carolina, required further explanation on the items intended to be covered by the bill—particularly one item of \$1,500, for the service of a Judge Advocate at Boston, who served but for sixty-two days.

Mr. TEN Eyck explained some local circumstances, respecting the Navy Point, at Sackett's Harbor.

Mr. FULLER replied to Mr. WILLIAMS, and explained some circumstances in relation to the item referred to by him.

Mr. COCKE made some further observations, and read a letter from one of the auditors of the Treasury in relation to certain accounts, copies of which had been requested by Mr. C.

The question being then taken on filling the blank with \$225,000, it was decided in the negative.

The question then recurring on the amendment proposed by Mr. COCKE, to fill the blank with \$180,000, and, being put, it passed in the affirmative.

Mr. McLANE moved to amend the 18th line, by inserting, after the word "stations," the following: "also, of naval constructors, store-

MARCH, 1824.]

Navy Appropriation Bill.

[H. OF R.]

keepers, instructors, master-workmen, clerks of the yards, of the check, and of commanders and porters attached to the navy yards and shore stations."

This amendment was agreed to, and, thus amended, the clause will read, "For pay, subsistence, and allowances of every description, to all commissioned and warrant officers employed at the several navy yards and shore stations; also of naval constructors, store-keepers, instructors, master-workmen, clerks of the yards, of the check, and of commanders and porters attached to the navy yards and shore stations, \$231,293 26."

Mr. McLANE moved to amend the 21st line by inserting the words in *italics*, which was agreed to, and the clause made to read as follows: "For contingent expenses, including *transportation of articles, travelling expenses, stationery, commissions, courts-martial, coal for smiths, fuel for engines and public offices*, and all extra allowances, \$180,000."

The blank in the 28d line, viz: "For repairs and wear and tear of vessels," was filled with the sum of \$350,000.

On motion of Mr. McLANE, the 30th and 81st lines, viz: "For erecting and completing houses over ships in ordinary, for their preservation from the weather," were stricken out, and the following inserted: "For ship-houses, to repay the amount taken from the gradual increase fund, \$78,500."

The blank in the 88th line, viz: "For fuel for the non-commissioned officers, musicians, and privates of marine corps," was filled with \$6,000.

The following clause was, on motion of Mr. McLANE, inserted:

"For medicine, hospital stores, and instruments for the officers and marines of the marine corps stationed on shore, \$2,369 71."

On motion of Mr. COBB, the blank in the 46th line, viz: "For contingent expenses, that is to say, fuel for commissioned officers, transportation, stationery, bed sacks, straw, rations to officers, and postage on public letters," was filled with \$9,000.

The remaining blanks were filled with the respective sums inserted in them in the printed copy of the bill, as reported by the Committee of Ways and Means.

The committee then rose, and reported the bill with the above amendments; and the House adjourned.

TUESDAY, March 23.

Navy Appropriation Bill.

The House concurred in the several amendments of the Committee of the Whole, on the bill "making provision for the support of the Navy of the United States for the year 1824," with the exception of the item for contingent expenses, \$180,000.

In relation to this item, Mr. McLANE, of Del-

aware, made a variety of explanations, going to show that the amount had been agreed to in the committee, from a misapprehension that there remained, of the fund last year granted, only \$11 37; whereas, there was a balance of \$85,800. He stated that, on examination, he had discovered that the appropriations of former years had been applied to objects never contemplated by this House, when granting them, although involving no charge of malversation in the head of that department; and he moved to strike out, in the twenty-first line, all after the word "expenses," and insert as follows, viz:

"That is to say—

For commissions, clerk-hire, office-rent, stationery, and fuel to Navy agents;

Premiums, and other expenses of recruiting;

Freight of provisions, stores, and material from one station to another, and from the United States to distant stations in other countries, where our ships are employed;

Allowances to officers of the several navy yards and stations, for house-rent, fuel, and candles;

Travelling expenses for officers and transportation for seamen;

Freight of timber, wharfage, and dockage for vessels where there are no public yards;

Expenses, and a per diem allowance, attending courts-martial, courts of inquiry, &c.

Compensation to Judge Advocates;

Cabin furniture for vessels in commission;

Incidental labor at navy yards, which is not applicable to any other appropriation;

Pilotage of public vessels in the United States and in foreign countries;

Printing Naval Register, blank pay rolls, receipt rolls, stewards' returns, seamen's allotment tickets, the proceedings of courts-martial;

Storage of provisions and stores in foreign parts, and in the United States, where public stores are not provided;

Coals for blacksmiths and anchor-makers, and fuel for steam-engines;

Purchase and maintenance of oxen, carts, large timber wheels, and workmen's tools;

Chamber money to officers in lieu of quarters, other than house-rent;

Purchase of books, charts, nautical and mathematical instruments, chronometers, machinery, models, drawings, and all stationery of every description, used throughout the naval service;

Expense of pursuing deserters;

Expense of officers in sick quarters;

Storage of powder;

Lighterage and scow-hire;

Postage of letters on public service, and for no other object or purpose whatsoever, one hundred and eighty thousand dollars."

This amendment was agreed to without debate or opposition.

The question being put on the amendment in the thirtieth and thirty-first lines: "For ship-houses, to repay the amount taken from the gradual increase fund, \$78,500."

Mr. WILLIAMS, of North Carolina, moved to strike out the whole item, objecting to using any part of a fund which was intended for the

H. OF R.]

The Tariff Bill—Wines, and Molasses.

[MARCH, 1894.]

building of ships, and applying it to the erecting of houses.

Mr. McLANE explained.

Mr. WILLIAMS rejoined, and the question being taken, was decided in the affirmative—ayes 89, noes 45.

The bill was then ordered to be engrossed for a third reading to-morrow.

WEDNESDAY, March 24.

The Tariff Bill—Wines.

The House went into Committee of the Whole, (Mr. CONDICT in the chair,) on the bill "to amend the several acts laying duties on imports."

Mr. FOOT, of Connecticut, moved to amend the bill, by inserting, after the 254th line, the following clause: "on all wines which are now charged with a duty of fifteen cents per gallon, twenty-five cents per gallon."

Mr. POINSETT, of South Carolina, opposed the amendment. He did not desire to see this country a wine-growing country, as, in comparison with corn-growing countries, they were always poor and miserable.

Mr. BRENT, of Louisiana, opposed it, as not calculated to aid domestic industry.

Mr. GURLEY quoted statistical details, to show that a reduction of the duty on low-priced wines had increased the revenue. Raising the duty was, therefore, not calculated to benefit the revenue. He replied to Mr. TOD's remark, as to the ability of Louisiana to pay the duty, the protection of sugar, the profit of negro labor, &c.

Mr. FOOT, of Connecticut, replied, that he only had wished, on this item, to restore the tariff of 1816. The reduction of the duty had destroyed a promising infant manufactory in his district, and he wished to raise the duty for the general purpose of cherishing the produce of wine in the United States.

Mr. TRIMBLE, of Kentucky, made a calculation to show that low duties on these wines would increase the revenue, and augment a trade which was profitable to this country.

Mr. STEWART, of Pennsylvania, combated the view and argument of Mr. TRIMBLE, and contended that as much wine would be used at twenty-five as at fifteen cents duty.

Mr. TOD, of Pennsylvania, replied, and signified that he had no wish for the adoption of the amendment; and the question being taken on the amendment of Mr. FOOT, it was decided in the negative, without a division.

Molasses.

Mr. CLAY moved to increase the existing duty on the article of molasses. He believed there was no fairer object of taxation in the proposed tariff. His great wish was to promote American agriculture; and, with this view, to encourage the production of the raw material of any subject of manufacture to which our own country was adapted, rather

than the importation of the rival foreign article. Molasses was to be considered—first, as an article of subsistence. As such, the existing duty bore no proportion to that on brown sugar. It was capable of being applied, and was in fact applied, to almost all the purposes of brown sugar. This latter article was subject to a duty of three cents per pound. A gallon of molasses, containing not less than eight pounds, paid a duty only of five cents; that is, a little more than half a cent a pound. Secondly, as a substance capable of conversion into spirituous liquors. The least duty imposed on them was thirty-eight cents per gallon. If the policy of the country be well founded, in imposing this high duty on spirits manufactured abroad, it equally dictates that a high duty should be imposed on an article produced abroad, susceptible of easy conversion into spirits, and which comes into competition with articles raised at home, capable of similar conversion. Thirdly, as a raw material of manufacture. On this point, it appeared to Mr. C. that we ought to discourage, even for the purpose of manufacture, any raw material, raised abroad, of which articles, capable of a similar fabrication, can be certainly produced in abundance at home. No one will doubt that the grain of our country produces a spirit equal, at least, to that which is distilled from molasses; nor our ability to produce it in the greatest abundance. He did not mean to take up the moral consideration of the question. He intended to ask the attention of the committee to the matter practically. A certain amount of spirituous liquors will be consumed, whatever we may think or wish upon it as moralists or philanthropists. Assuming that practical principle, we are to consider whether it is not better for our country to derive the whole profit, both as to the production of the raw material and the distillation of it, rather than divide it with foreigners. Every gallon of spirits, distilled from foreign molasses, and consumed within the country, takes the place of a gallon of spirits distilled from domestic produce. The foreigner enjoys the benefit of the value of the raw material, and we that of its manufacture only. This latter advantage we should still possess, if we substituted a native raw material to that which is furnished us from abroad; and, consequently, the mere interest of manufacturing would not suffer by the exclusion of the foreign material. There would, at most, be only a change in the theatre of distillation.

The increase in the import of molasses was very great, so great as to threaten the supplanting of the native materials of distillation. From 1790 to 1800, inclusive of both years, the total quantity of molasses imported was 58,328,607 gallons; that is, an average of 4,887,600 gallons for each of those eleven years. From 1801 to 1811, inclusive of both these years, the total quantity imported was 78,224,651 gallons; that is, upon an average,

MARCH, 1824.]

The Tariff Bill—Molasses.

[H. OF R.]

7,111,320 for each of the latter term of eleven years. The population of the United States increases in a ratio of about four per cent. per annum. And the increased importation of molasses, during the latter term of eleven years, beyond that of the previous term of eleven years, was about what it ought to have been, supposing the increase of consumption to be according to the progressive augmentation of our population. Applying the same principle, the quantity of molasses imported in 1822 ought to have been 9,875,040, instead of which the actual quantity was 11,990,569 gallons for that year, and for the last year it rose to 13,019,328 gallons! The principle which Mr. O. thought ought to govern our manufacturing policy, was to encourage—1st, the manufacture of our own raw materials; 2dly, the manufacture of foreign raw materials which do not come into competition with any that are native; and 3dly, but least of all, those which compete with our own produce. Of all parts of our country, the grain-growing now suffers the most. Whatever, therefore, would tend to reanimate that, without material detriment to others, ought to meet with a favorable consideration. According to an estimate of a former Secretary of the Treasury, in 1810, of the 6,884,878 gallons of molasses then imported, five millions were supposed to be distilled, and the residue, 1,884,878, were consumed for other domestic purposes. Applying that rule—of the 13,019,328, imported last year, 2,786,413 gallons were consumed in domestic purposes other than that of distillation, and 10,232,915 gallons in distillation. Supposing (which is a low estimate) a gallon of molasses to produce only a gallon of spirits, there was distilled 10,242,915 gallons of spirits. To produce this quantity from grain, would require about five millions of bushels. And the total export of the breadstuffs of the last year did not equal five millions of bushels of grain. Thus, by excluding the foreign raw material of molasses as an object of distillation, we should create an additional market at home, for a quantity of grain equal to about the whole export, in the form of breadstuffs, of that article last year. Suppose it were attempted to import grain from abroad, for the purpose of distillation, would not every one cry out against it? And where is the difference between such an operation as that would be, and the importation of molasses convertible into a worse spirit than that which is distilled from grain?

Fourthly, and lastly, molasses ought to be considered as a source of revenue. The effect of the additional duty, which he meant to propose, would be merely to lessen the importation, and thereby give greater scope for the consumption of our native produce. To what amount it would lessen it, could only be matter of conjecture. If one-half, and the duty which the committee might fix should be twelve and a half cents per gallon, there would be an augmentation of revenue in the ratio of twenty-

five per cent. upon the present amount. Taxed at that rate, the duty would still be greatly below the standard which is furnished by that on brown sugar, or on that of spirits.

So far as it may be considered as an article of mere subsistence, Mr. CLAY felt no disposition to increase the duty, low as it would be, if his proposition were adopted, in comparison to brown sugar. If there could be a discrimination made between that portion of the material which was distilled, and that which was consumed in other domestic uses, he would, with pleasure, adopt the discrimination. He knew of none that was practicable. He finally proposed to insert in the bill a duty of twelve and a half cents per gallon on molasses, but subsequently reduced the proposed amount of duty to ten cents.

Mr. TOMLINSON, of Connecticut, rose in reply to the Speaker, and observed, that it would have been satisfactory to him to have been apprised that such a motion was about to be made; but, though he had not enjoyed that advantage, and was therefore obliged to reply with less time for consideration than he could have wished, he still felt it his duty to state his views, in answer to those which had been expressed by the honorable Speaker. That gentleman had admitted, that the article now about to be taxed, is an article of subsistence. It is so; and one used to a great extent by the poorer classes of the community. The proposition is, to tax the labor of the country; to draw revenue from the mouth of the poor and hard-working man. The gentleman had actually gone so far as to calculate how much of every meal was to go to the payment of this contribution. He had stated it at a fraction of a cent. But even a fraction of a cent on every meal, when the meals, as they must be, were often repeated, amounted to a considerable sum in the course of the year. We must look at the actual state of facts. The Speaker had made a calculation, in which, as it consisted in figures orally stated, and not submitted to the eye, Mr. T. said he had not been able to detect any fallacy; but he was satisfied there must be a very great error in some part of it. He also had made a calculation, and its result was very widely different. To arrive at the quantity of molasses actually distilled into spirits, he had resorted to the report of the marshals appointed in 1820, to take an account of the manufactures of the United States. [Here Mr. T. quoted a statement, in figures, the result of which was, that not more than one-fourth of the quantity stated by the Speaker, was distilled.] He had endeavored to arrive at the same fact, by examining the returns of internal duties in 1814; which examination confirmed this conclusion. Mr. T. here read off statements, going to prove that a large part of the amount of spirits to which the Speaker alluded, was produced, not from molasses, but from his own rye and corn.

Mr. T. then went into a statement to show

H. OF R.]

Accounts of Vice President Tompkins.

[MARCH, 1824.]

the quantity of sugar imported, at different periods, from which it appeared that the quantity of sugar brought into the country had decreased; and he argued thence, that the domestic use of molasses in families had increased. He admitted, indeed, that the sugar of Louisiana had, to some extent, taken the place of foreign; but not sufficiently to effect this result. But, said Mr. T., even granting the gentleman's premises, allow that ten millions of gallons of spirits have been made from molasses in one year, still I should not assent to the duty now proposed. How is this molasses procured? By exchanging for it the productions of agriculture, and such productions as could not, by any process, be turned into whiskey, (for now the rage seemed to be, to make every thing into whiskey.) Fish, lumber, butter, cheese, could not, certainly, be so converted; and these were the articles which went to bring the molasses from the West Indies. If you prevented its introduction, you prevented, to the same extent, their exportation; and so far deprived the people of one section of the Union of a market for their industry. By the present tariff, a duty of five cents a gallon is laid on this article. The result of which is, an income to the Government of \$500,000; and the consumers of it are confined to a comparatively small district. To these persons, the proposed amendment will be a direct tax on one of the necessities of life—on an article of the subsistence of the poor. He then went into a statement to show that the original cost of a gallon of molasses, in the West Indies, was only ten cents. So that the duty of twelve and a half cents will be one hundred and twenty-five per cent. on the first cost of the article.

He proceeded to argue, that this increase of duty, instead of augmenting, would diminish the revenue of the country, and would, in effect, exclude the article altogether. He could not believe that the manufacturer of whiskey needed this duty as an encouragement. By a price-current of New Orleans, it appeared that Kentucky whiskey was worth from 83 to 84 cents; a bushel of rye makes 2 gallons, equal to 66 cents. If this was not sufficient encouragement, he must be greatly deceived. But to this must yet further be added, the profit of the animals fattened on the grain after the process of distillation was over. Under all these views of the subject, (very hastily presented,) he could not but hope that the proposed amendment would be rejected by the House.

Mr. FULLER accounted for the different results to which the honorable Speaker and the gentleman from Connecticut had come, from the fact, that large quantities of the imported molasses were refined and converted into loaf sugar, for exportation; and that a part of the rum distilled from molasses is also exported. Both these amounts must be deducted from the apparent amount consumed.

Mr. CLAY rejoined. Admitting that part of the molasses is converted into sugar, (though

this was the first time in his life he had heard of such a thing; he always supposed that molasses was a residuum which could not be grained.) Still, he asked, if there was any just proportion between the duty on sugar and that on molasses? If the molasses was to be considered as sugar, the case was still worse than if it was to be considered as spirits. Touch it but with the wand of the manufacturer, and straight it would bring, as sugar, a protecting duty of three cents a pound; but, as molasses, it paid only five cents a gallon. He repelled the idea, that this was a duty for the West. He knew not that it would benefit that section of the country more than others. Nor did he care where the benefit fell; it would fall somewhere. Wherever grain was grown throughout the Union, its effects would operate—nor are grain-growers alone—the fruit-raising districts (including that of the gentleman from Connecticut) would all be aided by it. Peach brandy and apple brandy would both be benefited by excluding West India molasses, and diminishing the rum made from it. He aimed not at the eaters, but at the drinkers, of New England; and if the gentleman could devise a plan by which they could be separated, so that the duty would bear upon the latter only, he would immediately vote with him in its favor. As to its taxing the food of the poor, he asked whether it was equal to the duty on brown sugar, or bohea, both of which were food of the poor?

Mr. C. here quoted a statement from a work by Mr. Picton, (on whom he passed a merited encomium, and who is a citizen of the same State with Mr. T.,) to corroborate the position he had taken in respect to the proportion of molasses distilled, to that used for food; and closed, by reducing his motion to a duty of ten cents per gallon.

When Mr. C. concluded, the question was taken on the motion to insert in the bill, a duty of ten cents per gallon on molasses, and decided in the affirmative—yeas 100 votes to 88.

THURSDAY, March 25.

Accounts of Vice President Tompkins.

Two Messages were received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

Having stated to Congress, on the 7th December last, that Daniel D. Tompkins, late Governor of New York, was entitled to a larger sum than that reported in his favor, by the accounting officers of the Government, and that, in execution of the law of the last session, I had the subject still under consideration, I now communicate to you the result.

On full consideration of the law, by which this duty was enjoined on me, and of the report of the committee, on the basis of which the law was founded, I have thought that I was authorized to adopt the principles laid down in that report, in deciding on the sum which should be allowed to him for his services. With this view, and on a comparison of

MARCH, 1824.]

French Spoliations.

[H. OF R.]

his services with those which were rendered by other disbursing officers, taking into consideration, also, his aid in obtaining loans, I had decided to allow him five per cent. for all sums borrowed and disbursed by him, and of which decision I informed him. Mr. Tompkins has since stated to me that this allowance will not indemnify him for his advances, loans, expenditures, and losses, in rendering those services, nor place him on the footing of those who loaned money to the Government at that interesting period. He has also expressed a desire that I would submit the subject to the first decision of Congress, which I now do. In adopting this measure, I think proper to add, that I concur fully in the sentiments expressed by the committee, in favor of the very patriotic and valuable services which were rendered by Mr. Tompkins in the late war.

JAMES MONROE.

MARCH 25, 1824.

The Message was referred to the Committee of Ways and Means.

Propagating the Gospel among the Heathen.

To the House of Representatives of the United States :

In compliance with a resolution of the House of Representatives, of the 25th February, requesting information whether the title of the United Brethren for propagating the Gospel among the Heathen, to certain sections of land in Ohio, has been purchased for the United States; and if so, to cause a copy of the contract, and of the papers relating thereto, to be laid before the House, I transmit, herewith, all the documents required.*

JAMES MONROE.

WASHINGTON, March 25, 1824.

The Message, &c., was referred to a select committee, and Messrs. WRIGHT, CAMPBELL of Ohio, BUCKNER, COOK, HAYDEN, MARKLEY, and STERLING, were appointed said committee.

French Spoliations.

Mr. FORSYTH, from the Committee on Foreign Affairs, to which had been referred, at the present session, sundry memorials upon the subject of spoliations committed on the commerce and navigation of the United States, by French cruisers, between the years 1798 and 1800, made a detailed report thereon, which was laid on the table. The report is as follows:

On the petitions of Hadrianus Van Noorden, William and Nathaniel Hooper, Daniel Henshaw, several merchants and underwriters of Salem, several merchants of Gloucester, several merchants and underwriters of Alexandria, District of Columbia, several merchants of Washington, North Carolina, Henry Clark and others, of Kennebunk, and several

others, merchants, in Maine, referred to the Committee of Foreign Relations, they report—

That no evidence accompanies either of the petitions; all of which, except the first, are literally the same, having been apparently prepared by concert among the claimants, to be presented to Congress. To discriminate between them is not practicable, if it were desirable. The committee are compelled to present, in general terms, the nature of these claims, as set forth by the parties interested, and to examine, as briefly as possible, the grounds upon which relief is asked from the Government of the United States. The claims are founded upon spoliations committed by the private and public armed vessels of France, between the years 1798 and 1800.

The petitioners allege that the French Government, to the date of the ratification of the treaty of 1800, always considered the recognition of their claims as due to its honor, and attached them as a charge upon its national character.

That the Government of the United States, which has volunteered its agency for the recovery of them from France, exercised its power and authority to prevent the petitioners from obtaining indemnity—that the Government of the United States received from France a full and fair equivalent for the claims, in the discharge from its liabilities under the treaties with France, and the abrogation of those treaties.

Similar applications, if not by the same persons, have been frequently made to Congress, and reports upon them are to be found in the records of the House of Representatives and of the Senate. None of these applications have been successful. Without attempting even to enumerate the failures to obtain a sanction to their statement and to their claims, the committee refer the House to a detailed report of the various acts of the Government of the United States and of France, from 1798 to 1800, made by a select committee, on the 22d of April, 1802, to which applications like the present were referred. Governed by that report, the Committee of Foreign Relations are not satisfied that the French Government ever admitted the justice of the claims of the petitioners, or ever intended to pay them; that the Government of the United States used every effort, even to war itself, to rescue the property of American merchants from the lawless violence of France; that its efforts to procure payment for the spoliations committed by the French cruisers, were not discontinued until it was obvious that there was no hope of success. That this Government never received from France any equivalent for the claims of Americans upon France. The war of aggression was commenced by France, and every act of the United States was a just retaliation for previous injury. The treaties with France were annulled by an act of Congress in 1798, in consequence of the utter disregard of the stipulations of them by that power.

In short, to justify their claims upon the United States, the petitioners assume that France was right, and their own Government wrong. That France was prepared to make a just reparation for the outrages committed under her own laws, until released from her obligations by the United States, who were faithless to their trust, in the first instance, and have been regardless of the obligations of justice ever since, assumptions not consistent with truth, nor creditable to the patriotism of those who make them. The committee recommend to the House to adopt the following resolution:

* The documents showed that the scheme had entirely failed, and the benevolent Society which had so long devoted itself to the amelioration of the condition of these Indians—finding it became worse, and numbers decreasing, and reduced to a small remnant, who had lost all the virtues of the Indian without gaining any of those of the white man—desired to be relieved of their trust, and to reconvey the lands (12,000 acres) to the United States; which was done.

Resolved, That petitions of the several persons who ask indemnity for spoliations committed by French cruisers on their property, between the years 1793 and 1800, be rejected.

The Tariff Bill.

The House then again went into Committee of the Whole, on the bill "to amend the several acts laying duties on imports," Mr. CONDICT in the chair.

FRIDAY, March 26.

Cotton Minimum Valuation.

Mr. ISAACS, of Tennessee, moved to strike out the proviso, from the 33d to the 42d line, inclusive, which is in the following words:

"*Provided*, That all cotton cloths whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which, at the place whence imported, with the addition of twenty per centum if imported from the Cape of Good Hope, or any place beyond it, and of ten per centum if imported from any other place, shall be less than thirty-five cents per square yard, shall, with such addition, be taken and deemed to have cost thirty-five cents per square yard, and shall be charged with duty accordingly."

Mr. ISAACS stated that his object was to take away from the bill the proposed minimum on cotton goods. Mr. I. quoted statements, in figures, to show the amount of duties in 1823, paid on different species of cotton goods, &c., to show the reasonableness of his proposition, &c. He did not conceive this further encouragement on the cotton manufacture necessary; moreover, because, if he was correctly informed, the manufacturers neither wished nor needed it, that portion of the capital and industry of the country employed in it being more productive than almost any other.

MONDAY, March 29.

Mr. CAMBELLENG presented a petition of Jacob Schieffelin and Son, of New York, merchants, setting forth that, in 1809, a considerable amount of property belonging to them, lying in a port in Holland, was seized by French authorities, transported to the port of Antwerp, and there sold, without condemnation, and the proceeds paid into the Treasury of France, and praying the interposition of Congress in such manner as to procure them redress for their wrongs.

Mr. POINSETT presented a memorial of Anthony Le Courtois, of Charleston, in the State of South Carolina, setting forth that, in 1811, while pursuing a lawful voyage from the United States to Russia, his vessel was captured by a French private armed cruiser, and, with her cargo, was condemned, by which the petitioner has been reduced to poverty and distress; and, praying such relief in the premises as, in the wisdom of Congress, may seem meet and proper.

Ordered, That the said petition and memorial be referred to the Committee on Foreign Affairs.

Captain Gamble, of the Marines, petitions for Prize Money.

Mr. HOLCOMBE presented a memorial of John M. Gamble, a captain of marines in the Navy of the United States, stating that, while attached to the frigate *Essex*, commanded by Captain Porter, cruising in the Pacific Ocean, in the late war with Great Britain, he was placed in command of a vessel captured and manned by the *Essex*; in which vessel he afterwards fell in with, and captured, a British ship of very superior force, and praying to be allowed prize money for himself and crew, for said capture. — Referred to the Committee on Naval Affairs.

Canal in Florida Territory.

Mr. CALL presented a petition of divers inhabitants of the city of St. Augustine, and of other parts of the eastern section of the Territory of Florida, praying permission to cut a canal through public lands, lying between said city and the river St. Johns; which petition was referred to the Committee on the Public Lands.

General Appropriation Bill—Annual Salaries Officers receiving Pay for Jobs and other Work.

The House then went into a Committee of the Whole on the amendments of the Senate, to the appropriation bill "for the support of Government for the year 1824."

The question being then on the amendment striking out of the bill the following clause: "And provided, also, that no person, receiving an annual salary from the Government of the United States, shall receive any thing in addition thereto for any official services whatever, by way of perquisites, or extra compensation, except for fees of office, which may be established by law?"

Mr. COOKE stated a number of facts in relation to the compensation received by Governors of Territories, for extra services. He quoted the law appointing the salaries of those officers, and contended that they had received, in some cases, double what the law warranted, for the performance of duties which properly pertained to their functions as Governors. He acknowledged that he had been under a wrong impression with respect to the Navy Commissioners, who, he was happy to state, received nothing beyond what the laws of their country prescribe. He made some remarks on the compensation received by the Surgeon-General, on which he entirely differed from the opinion given by the Secretary of War, and he read a report of the former committee of the House in confirmation of his views.

Mr. VANCE, of Ohio, explained what he apprehended to be the state of the law on the subject of Territorial Governors. He gave a statement of the compensation allowed to the

MARCH, 1824.]

The Tariff Bill.

[H. OF R.]

Superintendents of Indian Affairs, from the first organization of the Government, and the changes which had taken place to the present time, and he contended that the gentleman from Tennessee was mistaken in supposing that the emoluments received by the Governors of Territories were not warranted by legal provisions. He reprobated the idea of attempting to regulate the Indian Department by a clause in an appropriation bill; and contended that the clause, if restored, would operate with great injustice, especially on the Governor of Michigan, whose disbursements, in relation to Indian affairs, were very great, and who, if deprived of the compensation now allowed to him, would be placed on a lower and worse footing than a common Indian agent. He dwelt on the improvements which had been introduced into the Indian Department during the present Administration, for which he contended that the present Secretary of War was entitled to the respect and gratitude of the House, and of the country.

Mr. McLANE spoke in reply. He discussed at length the laws in relation both to the Territorial Governors and the Surgeon-General, which he stated as fully warranting what they received. If any improvement was to be introduced into the Indian Department, the present bill was not the proper one to effect it, and the discussion was only calculated to embarrass it.

Mr. WARFIELD quoted several laws in relation to the appointment of Indian agents, and opposed the clause which the Senate had stricken out, as being of too broad and unguarded a character. Possibly abuses did exist, and the laws in relation to Indian affairs would certainly be better for revision; but this must be done as a separate matter, and with deliberation. He hoped that the discussion of that subject would now be relinquished.

Mr. CALL, of Florida, stated the many valuable services performed by the Governor of that Territory, and argued in favor of the equity of some farther compensation than his mere salary as Governor. He remarked at large on the case of the Surgeon-General, stated the value of his services, his necessity of obedience, as attached to the Army, even in the performance of the longest and most expensive journeys. He was in constant activity, and his salary alone might be exhausted by a single journey; talent and services were nowhere so poorly rewarded as in the medical staff of our Army; and if we persisted in this policy, talent would retire from the service of the Government, &c.

Mr. COCKE spoke in reply; and insisted on the grounds he had formerly taken. The provision was not aimed at any one in particular—its language and its aim were general. He stated some further facts as to the compensations received.

Mr. VANCE, of Ohio, explained some of his former statements, and added facts in reply.

Mr. WICKLIFFE recalled the remembrance of

the gentleman from Tennessee, to what had passed in this House when the clause now stricken out by the Senate had been proposed by that gentleman, when he stated that it was not meant to include Territorial Governors. If the gentleman disapproved of the amounts now received, he wished that gentleman, as head (to use a phrase of his own) of the "Indian Committee," would introduce a provision to fix and regulate their compensation.

Mr. COCKE explained.

Mr. COOK observed that the present case showed the impropriety of receiving statements from the departments which did not come before the House in an official form. The gentleman from Tennessee had produced some statements, but they were incomplete. Mr. C. had had personal opportunity of observing the performance of the duties by the Governor of a Territory, and he knew them to be difficult and perplexing. He referred to censures formerly cast on Governor Cass, the investigation which had ensued, and the complete vindication which was the result.

Mr. COCKE replied in a few words, and Mr. COOK rejoined.

Mr. RICH advocated, in a few observations, the propriety of the principle of the amendment, but thought it best not to insist on its insertion in the present bill.

The question was then taken on non-concurring with the Senate in their amendment, and decided in the negative—ayes 42, nays 80.

So the House concurred in the Senate's amendment, and refused to restore this clause to the bill.

WEDNESDAY, March 31.

The Tariff Bill.

The House then went into Committee of the Whole on the bill to amend the several acts laying duties on imports, Mr. CONDIOT in the chair.

Mr. CLAY addressed the committee on the general principles of the tariff, as follows:

Two classes of politicians divide the people of the United States. According to the system of one, the produce of foreign industry should be subjected to no other impost than such as may be necessary to provide a public revenue; and the produce of American industry should be left to sustain itself, if it can, with no other than that incidental protection, in its competition, at home as well as abroad, with rival foreign articles. According to the system of the other class, whilst they agree that the imposts should be mainly, and may, under any modifications, be safely relied on as a fit and convenient source of public revenue, they would so adjust and arrange the duties on foreign fabrics as to afford a gradual but adequate protection to American industry, and lessen our dependence on foreign nations, by securing a certain, and, ultimately, a cheaper and better supply of our own wants from our own abun-

dant resources. Both classes are equally sincere in their respective opinions, equally honest, equally patriotic, and desirous of advancing the prosperity of the country. In the discussion and consideration of these opposite opinions, for the purpose of ascertaining which has the support of truth and reason, we should, therefore, exercise every indulgence, and the greatest spirit of mutual moderation and forbearance. And, in our deliberations on this great question, we should look fearlessly and truly at the actual condition of the country, retrace the causes which have brought us into it, and snatch, if possible, a view of the future. We should, above all, consult experience—the experience of other nations as well as our own, as our truest and most unerring guide.

In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is, the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthreshed crops of grain, perishing in our barns and barn-yards for the want of a market; by the alarming diminution of the circulating medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by a universal complaint of the want of employment, and a consequent reduction of the wages of labor; by the ravenous pursuit after public situations, not for the sake of their honors, and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of paper money; by the intervention of legislation in the delicate relation between debtor and creditor; and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation, which has, on an average, sunk not less than about fifty per cent. within a few years. This distress pervades every part of the Union, every class of society; all feel it, though it may be felt, at different places, in different degrees. It is like the atmosphere which surrounds us—all must inhale it, and none can escape it. In some places, it has burst upon our people without a single mitigating circumstance to temper its severity. In others, more fortunate, slight alleviations have been experienced, in the expenditure of the public revenue, and in other favoring causes. A few years ago, the planting interest consoled itself with its happy exemption; but it has now reached this interest also, which experiences, though with less severity, the general suffering. It is most painful to me to attempt to sketch or to dwell on the gloom of this picture. But I have exaggerated nothing. Perfect fidelity to the original would have authorized me to have thrown on deeper and darker hues. And it is

the duty of the statesman, no less than that of the physician, to survey, with a penetrating, steady, and undismayed eye, the actual condition of the subject on which he would operate; to probe to the bottom the diseases of the body politic, if he would apply efficacious remedies. We have not, thank God, suffered in any great degree for food. But distress, resulting from the absence of a supply of the mere physical wants of our nature, is not the only, nor, perhaps, the keenest distress, to which we may be exposed. Moral and pecuniary suffering is, if possible, more poignant. It plunges its victim into hopeless despair. It poisons, it paralyzes, the spring and source of all useful exertion. Its unsparing action is collateral as well as direct. It falls with inexorable force, at the same time, upon the wretched family of embarrassment and insolvency, and upon its head. They are a faithful mirror, reflecting back upon him, at once, his own frightful image, and that, no less appalling, of the dearest objects of his affection. What is the cause of this wide-spreading distress, of this deep depression, which we behold stamped on the public countenance? We are the same people. We have the same country. We cannot arraign the bounty of Providence. The showers still fall in the same grateful abundance. The sun still casts his genial and vivifying influence upon the land; and the land, fertile and diversified in its soils as ever, yields to the industrious cultivator, in boundless profusion, its accustomed fruits, its richest treasures. Our vigor is unimpaired. Our industry is not relaxed. If ever the accusation of wasteful extravagance could be made against our people, it cannot now be justly preferred. They, on the contrary, for the few last years at least, have been practising the most rigid economy. The causes, then, of our present affliction, whatever they may be, are human causes, and human causes not chargeable upon the people, in their private and individual relations.

What, again I would ask, is the cause of the unhappy condition of our country, which I have faintly depicted? It is to be found in the fact that, during almost the whole existence of this Government, we have shaped our industry, our navigation, and our commerce, in reference to an extraordinary war in Europe, and to foreign markets, which no longer exist; in the fact that we have depended too much upon foreign sources of supply, and excited too little the native; in the fact that, whilst we have cultivated, with assiduous care, our foreign resources, we have suffered those at home to wither, in a state of neglect and abandonment. The consequence of the termination of the war of Europe has been the resumption of European commerce, European navigation, and the extension of European agriculture and European industry, in all its branches. Europe, therefore, has no longer occasion to any thing like the same extent as that which she had during her wars, for American commerce, American

MARCH, 1824.]

The Tariff Bill.

[H. OF R.]

navigation, the produce of American industry. Europe in commotion, and convulsed throughout all her members, is to America no longer the same Europe as she is now, tranquil, and watching with the most vigilant attention all her own peculiar interests, without regard to the operation of her policy upon us. The effect of this altered state of Europe upon us has been to circumscribe the employment of our marine, and greatly to reduce the value of the produce of our territorial labor. The further effect of this twofold reduction has been to decrease the value of all property, whether on the land or on the ocean, and which I suppose to be about fifty per cent. And the still further effect has been to diminish the amount of our circulating medium, in a proportion not less by its transmission abroad, or its withdrawal by the banking institutions, from a necessity which they could not control. The quantity of money, in whatever form it may be, which a nation wants, is in proportion to the total mass of its wealth, and to the activity of that wealth. A nation that has but little wealth has but a limited want of money. In stating the fact, therefore, that the total wealth of the country has diminished, within a few years, in a ratio of about fifty per cent., we shall at once fully comprehend the inevitable reduction which must have ensued in the total quantity of the circulating medium of the country. A nation is most prosperous when there is a gradual and untempting addition to the aggregate of its circulating medium. It is in a condition the most adverse, when there is a rapid diminution in the quantity of the circulating medium, and a consequent depression in the value of property. In the former case, the wealth of individuals insensibly increases, and income keeps ahead of expenditure. But, in the latter instance, debts have been contracted, engagements made, and habits of expense established, in reference to the existing state of wealth and of its representative. When these come to be greatly reduced, individuals find their debts still existing, their engagements unexecuted, and their habits inveterate. They see themselves in the possession of the same property on which, in good faith, they had bound themselves. But that property, without their fault, possesses no longer the same value; and hence, discontent, impoverishment, and ruin arise. Let us suppose, Mr. Chairman, that Europe was again the theatre of such a general war as recently raged throughout all her dominions—such a state of the war as existed in her greatest exertions and in our greatest prosperity—instantly there would arise a greedy demand for the surplus produce of our industry, for our commerce, for our navigation. The languor which now prevails in our cities, and in our seaports, would give way to an animated activity. Our roads and rivers would be crowded with the produce of the interior. Everywhere we should witness excited industry. The precious metals would reflow from abroad upon

us. Banks, which have maintained their credit, would revive their business, and new banks would be established to take the place of those which have sunk beneath the general pressure; for, it is a mistake to suppose that they have produced our present adversity; they have somewhat aggravated it, but they were the effect and the evidence of our prosperity. Prices would again get up; the former value of property would be restored; and those embarrassed persons who have not been already overwhelmed by the times, would suddenly find, in the augmented value of their property, and the renewal of their business, ample means to extricate themselves from all their difficulties. The greatest want of civilized society is a market for the sale and exchange of the surplus of the produce of the labor of its members. This market may exist at home or abroad, or both, but it must exist somewhere, if society prospers; and wherever it does exist, it should be competent to the absorption of the entire surplus of production. It is most desirable that there should be both a home and a foreign market. But, with respect to their relative superiority, I cannot entertain a doubt. The home market is first in order, and paramount in importance. The object of the bill under consideration is to create this home market, and to lay the foundations of a genuine American policy. It is opposed; and it is incumbent upon the partisans of the foreign policy (terms which I shall use without any invidious intent) to demonstrate that the foreign market is an adequate vent for the surplus produce of our labor. But is it so? 1. Foreign nations cannot, if they would, take our surplus produce. If the source of supply, no matter of what, increases in a greater ratio than the demand for that supply, a glut of the market is inevitable, even if we suppose both to remain perfectly unobstructed. The duplication of our population takes place in terms of about twenty-five years. The term will be more and more extended as our numbers multiply. But it will be a sufficient approximation to assume this ratio for the present. We increase, therefore, in population at the rate of about four per cent. per annum. Supposing the increase of our production to be in the same ratio, we should, every succeeding year, have, of surplus produce, four per cent. more than that of the preceding year, without taking into the account the differences of seasons which neutralize each other. If, therefore, we are to rely upon the foreign market exclusively, foreign consumption ought to be shown to be increasing in the same ratio of four per cent. per annum, if it be an adequate vent for our surplus produce. But, as I have supposed the measure of our increasing production to be furnished by that of our increasing population; so the measure of their power of consumption must be determined by that of the increase of their population. Now, the total foreign population, who consume our surplus produce, upon an average, do not double their aggregate num-

ber in a shorter term than that of about one hundred years. Our powers of production increase then in a ratio four times greater than their powers of consumption. And hence their utter inability to receive from us our surplus produce.

Mr. Chairman, our Confederacy comprehends within its vast limits great diversity of interests—agricultural, planting, farming, commercial, navigating, fishing, manufacturing. No one of these interests is felt in the same degree, and cherished with the same solicitude, through all parts of the Union. Some of them are peculiar to particular sections of our common country. But all these great interests are confided to the protection of one Government—to the fate of one ship; and a most gallant ship it is, with a noble crew. If we prosper, and are happy, protection must be extended to all—it is due to all. It is the great principle on which obedience is demanded from all. If our essential interests cannot find protection from our own Government against the policy of foreign powers, where are they to get it? We did not unite for sacrifice, but for preservation. The inquiry should be, in reference to the great interests of every section of the Union, (I speak not of minute subdivisions,) What would be done for those interests if that section stood alone and separated from the residue of the Republic? If the promotion of those interests would not injuriously affect any other section, then every thing should be done for them which would be done if it formed a distinct Government. If they come into absolute collision with the interests of another section, a reconciliation, if possible, should be attempted, by mutual concession, so as to avoid a sacrifice of the prosperity of either to that of the other. In such a case, all should not be done for one, which would be done if it were separated and independent, but something; and, in devising the measure, the good of each part and of the whole should be carefully consulted. This is the only mode by which we can preserve, in full vigor, the harmony of the whole Union. The South entertains one opinion, and imagines that a modification of the existing policy of the country, for the protection of American industry, involves the ruin of the South. The North, the East, the West, hold the opposite opinion, and feel, and contemplate, in a longer adherence to the foreign policy, as it now exists, their utter destruction. Is it true that the interests of these great sections of our country are irreconcilable with each other? Are we reduced to the sad and afflicting dilemma of determining which shall fall a victim to the prosperity of the other? Happily, I think, there is no such distressing alternative. If the North, the West, and the East, formed an independent State, unassociated with the South, can there be a doubt that the restrictive system would be carried to the point of prohibition of every foreign fabric of which they produce the raw material, and which they could manufacture?

Such would be their policy, if they stood alone; but they are, fortunately, connected with the South, which believes its interest to require a free admission of foreign manufactures. Here, then, is a case for mutual concession, for fair compromise. The bill under consideration presents this compromise. It is a medium between the absolute exclusion and the unrestricted admission of the produce of foreign industry. It sacrifices the interest of neither section to that of the other; neither, it is true, gets all that it wants, nor is subject to all that it fears. But it has been said that the South obtains nothing in this compromise. Does it lose any thing? is the first question. I have endeavored to prove that it does not, by showing that a mere transfer is effected in the source of the supply of its consumption, from Europe to America; and that the loss, whatever it may be, of the sale of its great staple in Europe, is compensated by the new market created in America. But does the South really gain nothing in this compromise? The consumption of the other sections, though somewhat restricted, is still left open, by this bill, to foreign fabrics purchased by Southern staples. So far its operation is beneficial to the South, and prejudicial to the industry of the other sections, and that is the point of mutual concession. The South will also gain by the extended consumption of its great staple, produced by an increased capacity to consume it, in consequence of the establishment of the home market. But the South cannot exert its industry and enterprise in the business of manufactures. Why not? The difficulties, if not exaggerated, are artificial, and may, therefore, be surmounted. But can the other sections embark in the planting occupations of the South? The obstructions which forbid them are natural, created by the immutable laws of God, and therefore unconquerable.

Other and animating considerations invite us to adopt the policy of this system. Its importance, in connection with the general defence in time of war, cannot fail to be duly estimated. Need I recall to our painful recollection the sufferings, for the want of an adequate supply of absolute necessities, to which the defenders of their country's rights and our entire population were subjected during the late war? Or to remind the committee of the great advantages of a steady and unfailing source of supply, unaffected alike in war and in peace? Its importance, in reference to the stability of our Union, that paramount and greatest of all our interests, cannot fail warmly to recommend it, or at least to conciliate the forbearance of every patriot bosom. Now our people present the spectacle of a vast assemblage of jealous rivals, all eagerly rushing to the seaboard, jostling each other in their way, to hurry off to glutted foreign markets the perishable produce of their labor. The tendency of that policy, in conformity to which this bill is prepared, is to transform these competitors

MARCH, 1824.]

The Tariff Bill.

[H. OF R.]

into friends and mutual customers; and, by the reciprocal exchanges of their respective productions, to place the Confederacy upon the most solid of all foundations, the basis of common interest. And is not the Government called upon, by every stimulating motive, to adapt its policy to the actual condition and extended growth of our great Republic? At the commencement of our constitution, almost the whole population of the United States was confined between the Alleghany Mountains and the Atlantic Ocean. Since that epoch, the western part of New York, of Pennsylvania, of Virginia, all the western States and Territories, have been principally peopled. Prior to that period we had scarcely any interior. An interior has sprung up, as it were, by enchantment, and along with it new interests and new relations, requiring the parental protection of Government. Our policy should be modified accordingly, so as to comprehend all, and sacrifice none. And are we not encouraged by the success of past experience, in respect to the only article which has been adequately protected? Already have the predictions of the friends of the American system, in even a shorter time than their most sanguine hopes could have anticipated, been completely realized in regard to that article; and the consumption is now better and cheaper supplied with coarse cottons, than it was under the prevalence of the foreign system.

Even if the benefit of the policy were limited to certain sections of our country, would it not be satisfactory to behold American industry, wherever situated, active, animated, and thrifty, rather than persevere in a course which renders us subservient to foreign industry? But these benefits are twofold, direct and collateral, and in the one shape or the other, they will diffuse themselves throughout the Union. All parts of the Union will participate, more or less, in both. As to the direct benefit, it is probable that the North and the East will enjoy the largest share. But the West and the South will also participate in them. Philadelphia, Baltimore, and Richmond, will divide with the Northern capitalists the business of manufacturing. The latter city unites more advantages for its successful prosecution than any other place I know, Zanesville, in Ohio, only excepted. And where the direct benefit does not accrue, that will be enjoyed of supplying the raw material and provisions for the consumption of artisans. Is it not most desirable to put at rest and prevent the annual recurrence of this unpleasant subject, so well fitted, by the various interests to which it appeals, to excite irritation and to produce discontent? Can that be effected by its rejection? Behold the mass of petitions which lie on our table, earnestly and anxiously entreating the protective interposition of Congress against the ruinous policy which we are pursuing. Will these petitioners, comprehending all orders of society, entire States and communities, public com-

panies, and private individuals, spontaneously assembling, cease in their humble prayers, by your lending a deaf ear? Can you expect that these petitioners, and others, in countless numbers, that will, if you delay the passage of this bill, supplicate your mercy, should contemplate their substance gradually withdrawn to foreign countries, their ruin slow, but certain, and as inevitable as death itself, without one expiring effort? You think the measure injurious to you; we believe our preservation depends upon its adoption. Our convictions, mutually honest, are equally strong. What is to be done? I invoke that saving spirit of mutual concession under which our blessed constitution was formed, and under which alone it can be happily administered. I appeal to the South—to the high-minded, generous, and patriotic South—with which I have so often co-operated, in attempting to sustain the honor and to vindicate the rights of our country. Should it not offer, upon the altar of the public good, some sacrifice of its peculiar opinions? Of what does it complain? A possible temporary enhancement in the objects of consumption. Of what do we complain? A total incapacity, produced by the foreign policy, to purchase at any price, necessary foreign objects of consumption. In such an alternative, inconvenient only to it, ruinous to us, can we expect too much from Southern magnanimity? The just and confident expectation of the passage of this bill has flooded the country with recent importations of foreign fabrics. If it should not pass, they will complete the work of destruction of our domestic industry. If it should pass, they will prevent any considerable rise in the price of foreign commodities, until our own industry shall be able to supply competent substitutes.

To the friends of the tariff I would also anxiously appeal. Every arrangement of its provision does not suit each of you; you desire some further alterations; you would make it perfect. You want what you will never get. Nothing human is perfect. And I have seen, with great surprise, a piece signed by a member of Congress, published in the "National Intelligencer," stating that this bill must be rejected, and a judicious tariff brought in as its substitute. A *judicious* tariff! No member of Congress could have signed that piece; or, if he did, the public ought not to be deceived. If this bill do not pass, unquestionably no other can pass at this session, or probably during this Congress. And who will go home and say that he rejected all the benefits of this bill, because molasses has been subjected to the enormous additional duty of five cents per gallon? I call, therefore, upon the friends of the American policy to yield somewhat of their own peculiar wishes, and not to reject the practicable in the idle pursuit after the unattainable. Let us imitate the illustrious example of the framers of the constitution, and always remembering that whatever springs from man partakes

ber in a shorter term than that of about one hundred years. Our powers of production increase then in a ratio four times greater than their powers of consumption. And hence their utter inability to receive from us our surplus produce.

Mr. Chairman, our Confederacy comprehends within its vast limits great diversity of interests—agricultural, planting, farming, commercial, navigating, fishing, manufacturing. No one of these interests is felt in the same degree, and cherished with the same solicitude, through all parts of the Union. Some of them are peculiar to particular sections of our common country. But all these great interests are confided to the protection of one Government—to the fate of one ship; and a most gallant ship it is, with a noble crew. If we prosper, and are happy, protection must be extended to all—it is due to all. It is the great principle on which obedience is demanded from all. If our essential interests cannot find protection from our own Government against the policy of foreign powers, where are they to get it? We did not unite for sacrifice, but for preservation. The inquiry should be, in reference to the great interests of every section of the Union, (I speak not of minute subdivisions,) What would be done for those interests if that section stood alone and separated from the residue of the Republic? If the promotion of those interests would not injuriously affect any other section, then every thing should be done for them which would be done if it formed a distinct Government. If they come into absolute collision with the interests of another section, a reconciliation, if possible, should be attempted, by mutual concession, so as to avoid a sacrifice of the prosperity of either to that of the other. In such a case, all should not be done for one, which would be done if it were separated and independent, but something; and, in devising the measure, the good of each part and of the whole should be carefully consulted. This is the only mode by which we can preserve, in full vigor, the harmony of the whole Union. The South entertains one opinion, and imagines that a modification of the existing policy of the country, for the protection of American industry, involves the ruin of the South. The North, the East, the West, hold the opposite opinion, and feel, and contemplate, in a longer adherence to the foreign policy, as it now exists, their utter destruction. Is it true that the interests of these great sections of our country are irreconcilable with each other? Are we reduced to the sad and afflicting dilemma of determining which shall fall a victim to the prosperity of the other? Happily, I think, there is no such distressing alternative. If the North, the West, and the East, formed an independent State, unassociated with the South, can there be a doubt that the restrictive system would be carried to the point of prohibition of every foreign fabric of which they produce the raw material, and which they could manufacture?

Such would be their policy, if they stood alone; but they are, fortunately, connected with the South, which believes its interest to require a free admission of foreign manufactures. Here, then, is a case for mutual concession, for fair compromise. The bill under consideration presents this compromise. It is a medium between the absolute exclusion and the unrestricted admission of the produce of foreign industry. It sacrifices the interest of neither section to that of the other; neither, it is true, gets all that it wants, nor is subject to all that it fears. But it has been said that the South obtains nothing in this compromise. Does it lose any thing? is the first question. I have endeavored to prove that it does not, by showing that a mere transfer is effected in the source of the supply of its consumption, from Europe to America; and that the loss, whatever it may be, of the sale of its great staple in Europe, is compensated by the new market created in America. But does the South really gain nothing in this compromise? The consumption of the other sections, though somewhat restricted, is still left open, by this bill, to foreign fabrics purchased by Southern staples. So far its operation is beneficial to the South, and prejudicial to the industry of the other sections, and that is the point of mutual concession. The South will also gain by the extended consumption of its great staple, produced by an increased capacity to consume it, in consequence of the establishment of the home market. But the South cannot exert its industry and enterprise in the business of manufactures. Why not? The difficulties, if not exaggerated, are artificial, and may, therefore, be surmounted. But can the other sections embark in the planting occupations of the South? The obstructions which forbid them are natural, created by the immutable laws of God, and therefore unconquerable.

Other and animating considerations invite us to adopt the policy of this system. Its importance, in connection with the general defence in time of war, cannot fail to be duly estimated. Need I recall to our painful recollection the sufferings, for the want of an adequate supply of absolute necessities, to which the defenders of their country's rights and our entire population were subjected during the late war? Or to remind the committee of the great advantages of a steady and unfailing source of supply, unaffected alike in war and in peace? Its importance, in reference to the stability of our Union, that paramount and greatest of all our interests, cannot fail warmly to recommend it, or at least to conciliate the forbearance of every patriot bosom. Now our people present the spectacle of a vast assemblage of jealous rivals, all eagerly rushing to the seaboard, jostling each other in their way, to hurry off to glutted foreign markets the perishable produce of their labor. The tendency of that policy, in conformity to which this bill is prepared, is to transform these competitors

MARCH, 1824.]

The Tariff Bill.

[H. or R.]

into friends and mutual customers; and, by the reciprocal exchanges of their respective productions, to place the Confederacy upon the most solid of all foundations, the basis of common interest. And is not the Government called upon, by every stimulating motive, to adapt its policy to the actual condition and extended growth of our great Republic? At the commencement of our constitution, almost the whole population of the United States was confined between the Alleghany Mountains and the Atlantic Ocean. Since that epoch, the western part of New York, of Pennsylvania, of Virginia, all the western States and Territories, have been principally peopled. Prior to that period we had scarcely any interior. An interior has sprung up, as it were, by enchantment, and along with it new interests and new relations, requiring the parental protection of Government. Our policy should be modified accordingly, so as to comprehend all, and sacrifice none. And are we not encouraged by the success of past experience, in respect to the only article which has been adequately protected? Already have the predictions of the friends of the American system, in even a shorter time than their most sanguine hopes could have anticipated, been completely realized in regard to that article; and the consumption is now better and cheaper supplied with coarse cottons, than it was under the prevalence of the foreign system.

Even if the benefit of the policy were limited to certain sections of our country, would it not be satisfactory to behold American industry, wherever situated, active, animated, and thrifty, rather than persevere in a course which renders us subservient to foreign industry? But these benefits are twofold, direct and collateral, and in the one shape or the other, they will diffuse themselves throughout the Union. All parts of the Union will participate, more or less, in both. As to the direct benefit, it is probable that the North and the East will enjoy the largest share. But the West and the South will also participate in them. Philadelphia, Baltimore, and Richmond, will divide with the Northern capitalists the business of manufacturing. The latter city unites more advantages for its successful prosecution than any other place I know, Zanesville, in Ohio, only excepted. And where the direct benefit does not accrue, that will be enjoyed of supplying the raw material and provisions for the consumption of artisans. Is it not most desirable to put at rest and prevent the annual recurrence of this unpleasant subject, so well fitted, by the various interests to which it appeals, to excite irritation and to produce discontent? Can that be effected by its rejection? Behold the mass of petitions which lie on our table, earnestly and anxiously entreating the protecting interposition of Congress against the ruinous policy which we are pursuing. Will these petitioners, comprehending all orders of society, entire States and communities, public com-

panies, and private individuals, spontaneously assembling, cease in their humble prayers, by your lending a deaf ear? Can you expect that these petitioners, and others, in countless numbers, that will, if you delay the passage of this bill, supplicate your mercy, should contemplate their substance gradually withdrawn to foreign countries, their ruin slow, but certain, and as inevitable as death itself, without one expiring effort? You think the measure injurious to you; we believe our preservation depends upon its adoption. Our convictions, mutually honest, are equally strong. What is to be done? I invoke that saving spirit of mutual concession under which our blessed constitution was formed, and under which alone it can be happily administered. I appeal to the South—to the high-minded, generous, and patriotic South—with which I have so often co-operated, in attempting to sustain the honor and to vindicate the rights of our country. Should it not offer, upon the altar of the public good, some sacrifice of its peculiar opinions? Of what does it complain? A possible temporary enhancement in the objects of consumption. Of what do we complain? A total incapacity, produced by the foreign policy, to purchase at any price, necessary foreign objects of consumption. In such an alternative, inconvenient only to it, ruinous to us, can we expect too much from Southern magnanimity? The just and confident expectation of the passage of this bill has flooded the country with recent importations of foreign fabrics. If it should not pass, they will complete the work of destruction of our domestic industry. If it should pass, they will prevent any considerable rise in the price of foreign commodities, until our own industry shall be able to supply competent substitutes.

To the friends of the tariff I would also anxiously appeal. Every arrangement of its provision does not suit each of you; you desire some further alterations; you would make it perfect. You want what you will never get. Nothing human is perfect. And I have seen, with great surprise, a piece signed by a member of Congress, published in the "National Intelligencer," stating that this bill must be rejected, and a judicious tariff brought in as its substitute. A *judicious* tariff! No member of Congress could have signed that piece; or, if he did, the public ought not to be deceived. If this bill do not pass, unquestionably no other can pass at this session, or probably during this Congress. And who will go home and say that he rejected all the benefits of this bill, because molasses has been subjected to the enormous additional duty of five cents per gallon? I call, therefore, upon the friends of the American policy to yield somewhat of their own peculiar wishes, and not to reject the practicable in the idle pursuit after the unattainable. Let us imitate the illustrious example of the framers of the constitution, and always remembering that whatever springs from man partakes

of his imperfections, depend upon experience to suggest, in future, the necessary amendments.

We have had great difficulties to encounter.

1. The splendid talents which are arrayed in this House against us. 2. We are opposed by the rich and powerful in the land. 3. The Executive Government, if any, affords us but a cold and equivocal support. 4. The importing and navigating interests, I verily believe from misconception, are adverse to us. 5. The British factors and the British influence are inimical to our success. 6. Long-established habits and prejudices oppose us. 7. The reviewers and literary speculators, foreign and domestic. And, lastly, the leading presses of the country, including the influence of that which is established in this city, and sustained by the public purse.

From some of these, or other causes, the bill may be postponed, thwarted, defeated. But the cause is the cause of the country, and it must and will prevail. It is founded in the interests and affections of the people. It is as native as the granite deeply embosomed in our mountains. And, in conclusion, I would pray God, in His infinite mercy, to avert from our country the evils which are impending over it, and, by enlightening our councils, to conduct us into that path which leads to riches, to greatness, to glory.*

FRIDAY, April 2.

United Brethren, for Propagating the Gospel among the Heathen: and the Lands held in Trust for that Object in Ohio.

Mr. WRIGHT, from the committee to which was referred a Message from the President of the United States, in relation to the title of the United Brethren for propagating the Gospel among the Heathen, to certain tracts of land, made a report, accompanied by a bill providing for the disposition of three several tracts of land, in Tuscarawas county, in the State of Ohio, and for other purposes; which bill was read twice, and committed to a committee of the whole House to-morrow.

The Tariff Bill.

The House then went into Committee of the Whole, on the bill "to amend the several acts laying duties on imports," Mr. CONDIOT in the chair.

Mr. WEBSTER addressed the committee on the general principles of the bill, and in opposition to its passage in its present shape, as follows:

Mr. Chairman: I will avail myself of the present occasion to make some remarks on cer-

tain principles and opinions which have been recently advanced, and on those considerations which, in my judgment, ought to govern us in deciding upon the several and respective parts of this very important and complex measure. I can truly say that this is a painful duty. I deeply regret the necessity, which is likely to be imposed upon me, of giving a general affirmative or negative vote on the whole of the bill. I cannot but think this mode of proceeding liable to great objections. It exposes both those who support, and those who oppose the measure, to very unjust and injurious misapprehensions. There may be good reasons for favoring some of the provisions of the bill, and equally strong reasons for opposing others; and these provisions do not stand to each other in the relation of principal and incident. If that were the case, those who are in favor of the principal might forego their opinions upon incidental and subordinate provisions. But the bill proposes enactments entirely distinct, and different from one another in character and tendency. Some of its clauses are intended merely for revenue; and, of those which regard the protection of home manufactures, one part stands upon very different grounds from those of other parts. So that probably every gentleman who may ultimately support the bill, will vote for much which his judgment does not approve; and those who oppose it, will oppose something which they would very gladly support.

Being intrusted with the interests of a district highly commercial, and deeply interested in manufactures also, I wish to state my opinions on the present measure; not as on a whole, for it has no entire and homogeneous character; but as on a collection of different enactments, some of which meet my approbation, and some of which do not.

And allow me, sir, in the first place, to state my regret, if, indeed, I ought not to express a warmer sentiment, at the names, or designations, which Mr. Speaker has seen fit to adopt for the purpose of describing the advocates and the opposers of the present bill. It is a question, he says, between the friends of an "American policy," and those of a "foreign policy." This, sir, is an assumption which I take the liberty most directly to deny. Mr. Speaker certainly intended nothing invidious or derogatory to any part of the House by this mode of denominating friends and enemies. But there is power in names, and this manner of distinguishing those who favor and those who oppose particular measures, may lead to inferences to which no member of the House can submit. It may imply that there is a more exclusive and peculiar regard to American interests in one class of opinions than in another. Such an implication is to be resisted and repelled. Every member has a right to the presumption that he pursues what he believes to be the interest of his country, with as sincere a zeal as any other member. I claim this in

* Only extracts are given from Mr. Clay's speech, such as show the character and objects of the bill, and omitting the argument on its different clauses. The same course is followed with Mr. Webster's speech, immediately following that of Mr. Clay, and in answer to it.

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

my own case; and, while I shall not, for any purpose of description, or convenient arrangement, use terms which may imply any disrespect to other men's opinions, much less any imputation of other men's motives, it is my duty to take care that the use of such terms by others, be not, against the will of those who adopt them, made to produce a false impression. Indeed, sir, it is a little astonishing, if it seemed convenient to Mr. Speaker, for the purposes of distinction, to make use of the terms "American policy," and "foreign policy," that he should not have applied them in a manner precisely the reverse of that in which he has in fact used them. If names are thought necessary, it would be well enough, one would think, that the name should be, in some measure, descriptive of the thing; and since Mr. Speaker denominates the policy which he recommends "a new policy in this country;" since he speaks of the present measure as a new era in our legislation; since he professes to invite us to depart from our accustomed course, to instruct ourselves by the wisdom of others, and to adopt the policy of the most distinguished foreign States, one is a little curious to know with what propriety of speech this imitation of other nations is denominated an "American policy;" while, on the contrary, a preference for our own established system, as it now actually exists, and always has existed, is called a "foreign policy." This favorite American policy is what America has never tried; and this odious foreign policy is what, as we are told, foreign States have never pursued. Sir, that is the truest American policy which shall most usefully employ American capital, and American labor, and best sustain the whole population. With me it is a fundamental axiom, it is interwoven with all my opinions, that the great interests of the country are united and inseparable; that agriculture, commerce, and manufactures, will prosper together, or languish together; and that all legislation is dangerous which proposes to benefit one of these without looking to the consequences which may fall on the others.

Passing from this, sir, I am bound to say, that Mr. Speaker began his able and impressive speech at the proper point of inquiry; I mean the present state and condition of the country; although I am so unfortunate, or rather, although I am so happy, as to differ from him very widely in regard to that condition. I dissent entirely from the justice of that picture of distress which he has drawn. I have not seen the reality, and know not where it exists. Within my observation there is no cause for so gloomy and terrifying a representation. In respect to the New England States, with the condition of which I am, of course, most acquainted, the present appears to me a period of very general prosperity. Not, indeed, a time for great profits and sudden acquisition; not a day of extraordinary activity and successful speculation. There is, no doubt, a considerable

depression of prices, and, in some degree, a stagnation of business. But the case presented by Mr. Speaker was not one of depression, but of distress; of universal, pervading, intense distress, limited to no class, and to no place. We are represented as on the very verge and brink of national ruin. So far from acquiescing in these opinions, I believe there has been no period in which the general prosperity was better secured, or rested on a more solid foundation. As applicable to the Eastern States, I put this remark to their Representatives, and ask them if it is not true. When has there been a time in which the means of living have been more accessible and more abundant? when labor was rewarded, I do not say with a larger, but with a more certain success? Profits, indeed, are lower; in some pursuits of life, which it is not proposed to benefit, but to burden, by this bill, very low. But still I am unacquainted with any proofs of extraordinary distress. What, indeed, are the general indications of the state of the country? There is no famine nor pestilence in the land, nor war, nor desolation. There is no writhing under the burden of taxation. The means of subsistence are abundant; and at the very moment when the miserable condition of the country is asserted, it is admitted that the wages of labor are high, in comparison with those of any other country. A country, then, enjoying a profound peace, a perfect civil liberty, with the means of subsistence cheap and abundant, with the reward of labor sure, and its wages higher than anywhere else, cannot be represented in gloom, melancholy, and distress, but by the effort of extraordinary powers of tragedy.

The general result, therefore, of a fair examination of the present condition of things, seems to me to be that there is a considerable depression of prices and curtailment of profit; and, in some parts of the country, it must be admitted there is a great degree of pecuniary embarrassment, arising from the difficulty of paying debts which were contracted when prices were high. With these qualifications, the general state of the country may be said to be prosperous; and these are not sufficient to give to the whole face of affairs any appearance of general distress.

Supposing the evil, then, to be a depression of prices, and a partial pecuniary pressure, the next inquiry is into the causes of that evil; and it appears to me that there are several; and, in this respect, I think, too much has been imputed, by Mr. Speaker, to the single cause of the diminution of exports. Connected, as we are, with all the commercial nations of the world, and having observed great changes to take place elsewhere, we should consider whether the causes of those changes have not reached us, and whether we are not suffering by the operation of those causes, in common with others. Undoubtedly there has been a great fall in the price of all commodities throughout the commercial world, in consequence of the resto-

ration of a state of peace. When the Allies entered France in 1814, prices rose astonishingly fast and very high. Colonial produce, for instance, in the ports of this country, as well as elsewhere, sprung up suddenly from the lowest to the highest extreme. A new and vast demand was created for the commodities of trade. These were the natural consequences of the great political changes which then took place in Europe.

We are to consider, too, that our own war created new demand, and that a Government expenditure of \$25,000,000 or \$30,000,000 a year, had the usual effect of enhancing prices. We are obliged to add, that the paper issues of our banks carried the same effect still further. A depreciated currency existed in a great part of the country—depreciated to such an extent as that, at one time, exchange between the centre and the north, was as high as 20 per cent. The Bank of the United States was instituted to correct this evil; but, for causes which it is not necessary now to enumerate, it did not, for some years, bring back the currency of the country to a sound state. This depreciation of the circulating currency was so much, of course, added to the nominal prices of commodities, and these prices thus unnaturally high, seemed, to those who looked only at the appearance, to indicate great prosperity. But such prosperity is more specious than real. It would have been better, probably, as the shock would have been less, if prices had fallen sooner. At length, however, they fell; and, as there is little doubt that certain events in Europe, had an influence in determining the time at which this fall should take place, I will advert shortly to some of the principal of those events.

In May, 1819, the British House of Commons decided, by a unanimous vote, that the resumption of cash payments by the Bank of England should not be deferred beyond the ensuing February. The restriction had been continued from time to time, and from year to year, Parliament always professing to look to the restoration of a specie currency, whenever it should be found practicable. Having been in July, 1818, continued to July, 1819, it was understood that, in the interim, the important question of the time at which cash payments should be resumed, should be finally settled. In the latter part of the year '18, the circulation of the bank had been greatly reduced, and a severe scarcity of money was felt in the London market. Such was the state of things in England. On the Continent, other important events took place. The French Indemnity Loan had been negotiated in the summer of 1818, and the proportion of it belonging to Austria, Russia, and Prussia, had been sold. This created an unusual demand for gold and silver in those eastern States of Europe. It has been stated, that the amount of the precious metals transmitted to Austria and Russia in that year, was at least twenty millions sterling. Other large sums were sent to Prussia

and to Denmark. The effect of this sudden drain of specie, felt first at Paris, was communicated to Amsterdam and Hamburg, and all other commercial places in the north of Europe.

The paper system of England had certainly communicated an artificial value to property. It had encouraged speculation, and excited overtrading. When the shock therefore came, and the violent pressure for money acted at the same moment on the Continent and in England, inflated and unnatural prices could be kept up no longer. A reduction took place, which has been estimated to have been at least equal to a fall of 30, if not 40 per cent. The depression was universal; and the change was felt in the United States severely, though not equally so in every part of them. There are those, I am aware, who maintain that the events to which I have alluded did not cause the great fall of prices; but that that fall was natural and inevitable, from the previously existing state of things, the abundance of commodities, and the want of demand. But that would only prove that the effect was produced in another way, rather than by another cause. If these great and sudden calls for money did not reduce prices, but prices fell, as of themselves, to their natural state, still the result is the same; for we perceive that after these new calls for money, prices could not be kept longer at their unnatural height.

I will now proceed, sir, to state some objections which I feel, of a more general nature, to the course of Mr. Speaker's observations.

He seems to me to argue the question as if all domestic industry were confined to the production of manufactured articles; as if the employment of our own capital, and our own labor, in the occupations of commerce and navigation, were not as emphatically domestic industry as any other occupation. Some other gentlemen, in the course of the debate, have spoken of the price paid for every foreign manufactured article, as so much given for the encouragement of foreign labor, to the prejudice of our own. But is not every such article the product of our own labor as truly as if we had manufactured it ourselves? Our labor has earned it, and paid the price for it. It is so much added to the stock of national wealth. If the commodity were dollars, nobody would doubt the truth of this remark: and it is precisely as correct in its application to any other commodity as to silver. One man makes a yard of cloth at home; another raises agricultural products, and buys a yard of imported cloth. Both these are equally the earnings of domestic industry, and the only questions that arise in the case are two: the first is, which is the best mode, under all the circumstances, of obtaining the article; the second is, how far this first question is proper to be decided by Government, and how far it is proper to be left to individual discretion. There is no foundation for the distinction which attributes to certain employments the peculiar appellation of Amer-

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

ican industry; and it is, in my judgment, extremely unwise, to attempt such discriminations. We are asked, what nations have ever attained eminent prosperity without encouraging manufactures? I may ask, what nation ever reached the like prosperity without promoting foreign trade? I regard these interests as closely connected, and am of opinion that it should be our aim to cause them to flourish together. I know it would be very easy to promote manufactures, at least for a time, but probably only for a short time, if we might act in disregard of other interests. We could cause a sudden transfer of capital, and a violent change in the pursuits of men. We could exceedingly benefit some classes by these means. But what, then, becomes of the interests of others? The power of collecting revenue by duties on imports, and the habit of the Government of collecting almost its whole revenue in that mode, will enable us, without exceeding the bounds of moderation, to give great advantages to those classes of manufactures which we may think most useful to promote at home. What I object to is the immoderate use of the power—exclusions and prohibitions; all of which, as I think, not only interrupt the pursuits of individuals, with great injury to themselves, and little or no benefit to the country, but also often divert our own labor, or, as it may very properly be called, our own domestic industry, from those occupations in which it is well employed, and well paid, to others, in which it will be worse employed, and worse paid. For my part, I see very little relief to those who are likely to be deprived of their employments, or who find the prices of the commodities which they need, raised, in any of the alternatives which Mr. Speaker has presented. It is nothing to say that they may, if they choose, continue to buy the foreign article; the answer is, the price is augmented: nor that they may use the domestic article; the price of that also is increased. Nor can they supply themselves by the substitution of their own fabric. How can the agriculturist make his own iron? How can the ship-owner grow his own hemp?

But I have yet a stronger objection to the course of Mr. Speaker's reasoning; which is, that he leaves out of the case all that has been already done for the protection of manufactures, and argues the question as if those interests were now, for the first time, to receive aid from duties on imports. I can hardly express the surprise I feel that Mr. Speaker should fall into the common modes of expression used elsewhere, and ask if we will give our manufactures no protection. Sir, look to the history of our laws; look to the present state of our laws. Consider that our whole revenue, with a trifling exception, is collected at the custom-house, and always has been; and then say what propriety there is in calling on the Government for protection, as if no protection had heretofore been afforded. The real question

before us, in regard to all the important clauses of the bill, is not whether we will *lay* duties, but whether we will *augment* duties. The demand is for something more than exists, and yet it is pressed as if nothing existed. It is wholly forgotten that iron and hemp, for example, already pay a very heavy and burdensome duty; and, in short, from the general tenor of Mr. Speaker's observations, one would infer, that, hitherto we had rather taxed our own manufactures than fostered them by taxes on those of other countries. We hear of the fatal policy of the tariff of 1816; and yet the law of 1816 was passed avowedly for the benefit of manufacturers, and, with very few exceptions, imposed on imported articles very great additions of tax; in some important instances, indeed, amounting to a prohibition.

Sir, on this subject it becomes us at least to understand the real posture of the question. Let us now suppose that we are beginning the protection of manufactures by duties on imports. What we are asked to do is, to render those duties much higher, and therefore, instead of dealing in general commendations of the benefits of protection, the friends of the bill, I think, are bound to make out a fair case for each of the manufactures which they propose to benefit. The Government has already done much for their protection, and it ought to be presumed to have done enough, unless it should be shown, by the facts and considerations applicable to each, that there is a necessity for doing more.

On the general question, sir, allow me to ask, if the doctrine of prohibition, as a general doctrine, be not preposterous? Suppose all nations to act upon it; they would be prosperous, then, according to the argument, precisely in the proportion in which they abolished intercourse with one another. The less of mutual commerce the better, upon this hypothesis. Protection and encouragement may be, and are, doubtless, sometimes, wise and beneficial, if kept within proper limits; but, when carried to an extravagant height, or the point of prohibition, the absurd character of the system manifests itself.

Let me now ask, sir, what relief this bill proposes to some of those great and essential interests of the country, the condition of which has been referred to as proof of national distress; and which condition, although I do not think it makes out a case of distress, yet does indicate depression.

And first, as to our foreign trade. The Speaker has stated that there has been a considerable falling off in the tonnage employed in that trade. This is true, lamentably true. In my opinion, it is one of those occurrences which ought to arrest our immediate, our deep, our most earnest attention. What does this bill propose for its relief? Sir, it proposes nothing but new burdens. It proposes to diminish its employment, and it proposes, at the same time, to augment its expense, by subjecting it to

heavier taxation. Sir, there is no interest, in regard to which a stronger case for protection can be made out, than the navigating interest. Whether we look at its present condition, which is admitted to be depressed; the number of persons connected with it, and dependent upon it for their daily bread; or its importance to the country in a political point of view, it has claims upon our attention which cannot be exceeded. But what do we propose to do for it? I repeat, sir, simply to burden and to tax it. By a statement which I have already submitted to the committee, it appears that the shipping interest pays, annually, more than half a million of dollars in duties on articles used in the construction of ships. We propose to add, nearly, or quite, fifty per cent. to this amount, at the very moment that we bring forth the languishing state of this interest, as a proof of national distress. Let it be remembered that our shipping employed in foreign commerce, has, at this moment, not the shadow of Government protection. It goes abroad upon the wide sea to make its own way, and earn its own bread, in a professed competition with the whole world. Its resources are its own frugality, its own skill, its own enterprise. It hopes to succeed, if it shall succeed at all, not by extraordinary aid of Government, but by patience, vigilance, and toil. This right arm of the nation's safety strengthens its own muscle by its own efforts, and by unwearied exertion in its own defence becomes strong for the defence of the country.

No one acquainted with this interest can deny that its situation, at this moment, is extremely critical. We have left it hitherto to maintain itself or perish; to swim if it can, and to sink if it cannot. But at this moment of its apparent struggle, can we, as men, can we, as patriots, add another stone to the weight that threatens to carry it down? Sir, there is a limit to human power and to human effort. I know the commercial marine of this country can do almost every thing, and bear almost every thing. Yet some things are impossible to be done; and some burdens may be impossible to be borne; and as it was the last ounce that broke the back of the camel, so the last tax, although it were even a small one, may be decisive as to the power of our marine to sustain the conflict in which it is now engaged with all the commercial nations on the globe.

Again, Mr. Chairman, the failures and the bankruptcies which have taken place in our large cities have been mentioned as proving the little success attending commerce and its general decline. But this bill has no balm for those wounds. It is very remarkable, that, when losses and disasters of certain manufacturers, those of iron, for instance, are mentioned, it is done for the purpose of invoking aid for the distressed. Not so with the losses and disasters of commerce; these last are narrated, and not unfrequently much exaggerated, to prove the ruinous nature of the employment, and to show

that it ought to be abandoned, and the capital engaged in it turned to other objects.

It has been often said, sir, that our manufactures have to contend, not only against the natural advantages of those who produce similar articles in foreign countries, but also against the action of foreign Governments, who have great political interest in aiding their own manufactures to suppress ours. But have not these Governments as great an interest to cripple our marine, by preventing the growth of our commerce and navigation? What is it that makes us the object of the highest respect, or the most suspicious jealousy to foreign States? What is it that most enables us to take high relative rank among the nations? I need not say that this results, more than from anything else, from that quantity of military power which we can cause to be water-borne, and of that extent of commerce which we are able to maintain throughout the world.

Mr. Chairman, I am conscious of having detained the committee much too long with these observations. My apology for now proceeding to some remarks upon the particular clauses of the bill, is, that, representing a district at once commercial and highly manufacturing, and being called upon to vote upon a bill containing provisions so numerous and so various, I am naturally desirous to state as well what I approve, as what I would reject.

The first section proposes an augmented duty upon woollen manufactures. This, if it were unqualified, would no doubt be desirable to those who are engaged in that business. I have myself presented a petition from the woollen manufacturers of Massachusetts, praying an augmented ad valorem duty upon imported woollen cloths; and I am prepared to accede to that proposition, to a reasonable extent. But then this bill proposes, also, a very high duty upon imported wool; and, as far as I can learn, a majority of the manufacturers are at least extremely doubtful whether, taking these two provisions together, the state of the law is not better for them now than it would be if this bill should pass. It is said this tax on raw wool will benefit the agriculturist; but I know it to be the opinion of some of the best informed of that class, that it will do them more hurt than good. They fear it will check the manufacturer, and consequently check his demand for their article. The argument is, that a certain quantity of coarse wool, cheaper than we can possibly furnish, is necessary to enable the manufacturer to carry on the general business, and that if this cannot be had, the consequence will be, not a greater, but a less, manufacture of our own wool. I am aware that very intelligent persons differ upon this point; but, if we may safely infer from that difference of opinion, that the proposed benefit is at least doubtful, it would be prudent perhaps to abstain from the experiment. Certain it is that the same course of reasoning has occurred, as I have before stated, on the same

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

subject, when a renewed application was made to the English Parliament to repeal the duty on imported wool, I believe, scarcely two months ago; those who support the application, pressing urgently the necessity of an unrestricted use of the cheap, imported raw material, with a view to supply, with coarse cloths, the markets of warm climates, such as those of Egypt and Turkey, and especially a vast new created demand in the South American States.

As to the manufactures of cotton, it is agreed, I believe, that they are generally successful. It is understood that the present existing duty operates pretty much as a prohibition over those descriptions of fabrics to which it applies. The proposed alteration would probably enable the American manufacturer to commence competition with higher priced fabrics; and so would, perhaps, an augmentation less than is here proposed. I consider the cotton manufactures not only to have reached, but to have passed, the point of competition. I regard their success as certain, and their growth as rapid as the most impatient could well expect. If, however, a provision of the nature of that recommended here, were thought necessary to commence new operations in the same line of manufacture, I should cheerfully agree to it, if it were not at the cost of sacrificing other great interests of the country. I need hardly say that, whatever promotes the cotton and woollen manufactures, promotes most important interests of my constituents. They have a great stake in the success of those establishments, and, as far as those manufactures are concerned, would be as much benefited by the provisions of this bill as any part of the community. It is obvious, too, I should think, that, for some considerable time, manufactures of this sort, to whatever magnitude they may rise, will be principally established in those parts of the country where population is most dense, capital most abundant, and where the most successful beginnings have been already made.

But if these be thought to be advantages, they are greatly counterbalanced by other advantages enjoyed by other portions of the country. I cannot but regard the situation of the West as highly favorable to human happiness. It offers, in the abundance of its new and fertile lands, such assurances of permanent property and respectability to the industrious, it enables them to lay such sure foundations for a competent provision for their families, it makes such a nation of freeholders, that it need not envy the happiest and most prosperous of the manufacturing communities. We may talk as we will of well-fed and well-clothed day-laborers or journeymen; they are not, after all, to be compared, either for happiness or respectability, with him who sleeps under his own roof, and cultivates his own fee-simple inheritance.

Mr. Chairman: The best apology for laws of prohibition and laws of monopoly, will be

found in that state of society, not only unenlightened, but sluggish, in which they are most generally established. Private industry, in those days, required strong provocatives, which Governments were seeking to administer by these means. Something was wanted to actuate and stimulate men, and the prospects of such profits as would, in our times, excite unbounded competition, would hardly move the sloth of former ages. In some instances, no doubt, these laws produced an effect, which, in that period, would not have taken place without them. But our age is wholly of a different character, and its legislation takes another turn. Society is full of excitement; competition comes in place of monopoly; and intelligence and industry ask only for fair play and an open field. Profits, indeed, in such a state of things, will be small, but they will be extensively diffused; prices will be low, and the great body of the people prosperous and happy. It is worthy of remark that, from the operation of these causes, commercial wealth, while it is increased beyond calculation in its general aggregate, is, at the same time, broken and diminished in its subdivisions. Commercial prosperity should be judged of, therefore, rather from the extent of trade, than from the magnitude of its apparent profits. It has been remarked that Spain, certainly one of the poorest nations, made very great profits on the amount of her trade; but with little other benefit than the enriching of a few individuals and companies. Profits to the English merchants engaged in the Levant and Turkey trade, were formerly very great, and there were richer merchants in England some centuries ago, considering the comparative value of money, than at the present highly commercial period. When the diminution of profits arises from the extent of competition, it indicates rather a salutary than an injurious change.

Labor is the great producer of wealth; it moves all other causes. If it call machinery to its aid, it is still employed, not only in using the machinery, but in making it. Now, with respect to the quantity of labor, as we all know, different nations are differently circumstanced. Some need, more than any thing, work for hands; others require hands for work; and, if we ourselves are not absolutely in the latter class, we are still, most fortunately, very near it. I cannot find that we have those idle hands, of which the chairman of the committee speaks. The price of labor is a conclusive and unanswerable refutation of that idea; it is known to be higher with us than in any other civilized State, and this is the greatest of all proofs of general happiness. Labor in this country is independent and proud. It has not to ask the patronage of capital, but capital solicits the aid of labor. This is the general truth, in regard to the condition of our whole population, although in the large cities there are, doubtless, many exceptions. The mere capacity to labor in common agricultural employments gives to our young

men the assurance of independence. We have been asked, sir, by the chairman of the committee, in a tone of some pathos, whether we will allow to serfs of Russia and Sweden the benefit of making iron for us? Let me inform the gentleman, sir, that those same serfs do not earn more than *seven cents* a day, and that they work in those mines, for that compensation, because they are serfs. And, let me ask the gentleman further, whether we have any labor in this country that cannot be better employed than in a business which does not yield the laborer more than seven cents a day? This, it appears to me, is the true question for our consideration. There is no reason for saying that we will work iron because we have mountains that contain the ore. We might, for the same reason, dig among our rocks for the scattered grains of gold and silver which might be found there. The true inquiry is, can we produce the article in a useful state at the same cost, or nearly at the same cost, or at any reasonable approximation towards the same cost, at which we can import it?

Some general estimates of the price and profits of labor, in those countries from which we import our iron, might be formed by comparing the reputed products of different mines, and their prices, with the number of hands employed. The mines of Danemora are said to yield about four thousand tons, and to employ in the mines twelve hundred workmen. Suppose this to be worth fifty dollars per ton; any one will find, by computation, that the whole product would not pay, in this country, for one-quarter part of the necessary labor. The whole export of Sweden was estimated, a few years ago, at 400,000 ship-pounds, or about 54,000 tons. Comparing this product with the number of workmen usually supposed to be employed in the mines which produce iron for exportation, the result will not greatly differ from the foregoing. These estimates are general, and might not conduct us to a precise result; but we know, from intelligent travellers, and eye-witnesses, that the price of labor, in the Swedish mines, does not exceed seven cents a day.*

The true reason, sir, why it is not our policy to compel our citizens to manufacture our own iron, is that they are far better employed. It is an unproductive business, and they are not

poor enough to be obliged to follow it. If we had more of poverty, more of misery, and some thing of servitude; if we had an ignorant, idle, starving population, we might set up for iron-makers against the world.

MONDAY, April 5.

The Tariff Bill.

On motion of Mr. TOP, the House then went into Committee of the Whole, on the bill "to amend the several acts laying duties on imports," Mr. CONDIOT in the chair.

Mr. ISAACS modified his motion of Saturday, for striking out the minimum on cottons, so as to leave the present minimum untouched, viz: by inserting 25 cents instead of 35 cents, as the minimum valuation.

Mr. CARTER, of South Carolina, rose and said, it was with much reluctance he had prevailed on himself, at this advanced stage of the discussion, to ask the attention of the committee. The length of time that the proposed measure had been the subject of inquiry and speculation, not only within these walls, but throughout the nation; the great talent and research that have been exhibited upon its diversified bearings, have been such as to leave scarcely any thing new to be brought to the discussion.

After making this statement, it might be thought necessary by some that he should make an apology to the committee for obtruding upon them the few remarks which he proposed to make. If there were any who entertained such an opinion, the only and the best excuse which he could offer them, would be found in the peculiar importance of the subject to the whole American people, and the special and vital interests of the Southern section of this Union, which it was apprehended would be injuriously affected by its operations.

The space which the present bill covers, the variety of items which it embraces, expose it to a multitude of objections of different degrees of force, according to the particular provisions which may be opposed. And I confess that the provision now proposed to be stricken out, is freer from objection than some other provisions of the bill. But, as gentlemen who have supported, as well as those who have opposed the motion now before the committee, have thought it a fit occasion to give their general views of the policy of the whole measure, Mr. C. said he hoped the committee would pardon him for imitating their example.

It is admitted on all hands to be a wise maxim of legislation, that no change ought to be made in any existing law, unless the reasons for that change be strong, general, and evident. Whether such reasons are to be found in support of the proposed measure, I appeal to those who are acquainted with the best interests of this Republic, and its present actual condition, to say. Will any one pretend to assert that there has been so universal and unequivocal an expression of public opinion on this subject as to

* The price of labor in Russia may be pretty well collected from Tooke's "View of the Russian Empire." "The workmen in the mines and the foundries are, indeed, all called master-people; but they distinguish themselves into masters, undermasters, apprentices, delvers, servants, carriers, washers, and separators. In proportion to their ability, their wages are regulated, which proceed from fifteen to upwards of thirty roubles per annum. The provisions which they receive from the magazines are deducted from this pay." The value of the rouble at that time (1799) was about twenty-four pence sterling, or forty-five cents of our money.

"By the edict of 1799," it is added, "a laborer with a horse shall receive, daily, in Summer, twenty, and in Winter, twelve copecks; a laborer, without a horse, in Summer, ten, in Winter, eight copecks."

A copeck is the hundredth part of a rouble, or about half a cent of our money. The price of labor may have risen, in some degree, since that period, but probably not much.

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

leave no room to doubt of its being the nation's will? True it is, sir, that loud and importunate complaints have reached us from various quarters of the country. From one quarter we hear a pressing outcry for protection to the manufacturers of wool, and for the encouragement of the growth of the raw material at home; from another quarter we are importuned to assist the petitioners in their unequal competition with the manufacturers of glass-ware from abroad; from a third quarter we are told that the growers and manufacturers of hemp are laboring under the most unpardonable neglect of Government, and that, in consequence of it, industry is languishing, and capital unemployed. Thus it is, that all these various and distinct interests, scattered over an immense face of country, are simultaneously putting forth their complaints, and collectively produce a deep tone of remonstrance. Each one is stimulated by a belief that theirs is a case of peculiar hardship, requiring the special interposition of Congress. But to any one who will attentively examine the sources from which these complaints come, the task cannot be a difficult one of ascertaining the true weight to which they are entitled. Can any one, who will thus examine them, mistake them for the individual voice of the whole American people fairly and deliberately expressed? Are they not rather to be regarded as the interested importunities of certain classes of individuals or of sections of the country, who are determined to make up for their deficiency in numbers by the loudness of their complaints? They are echoed by gentlemen who seem determined to give the appearance of general distress to the country, by the very generality of the terms they use, and the urgency with which they press them upon the public consideration.

The more, said Mr. C., I contemplate the proposed measure, the more sensibly am I impressed with its intrinsic difficulty. That there are cases of real hardship existing in some parts of the country, cannot in candor be denied. But you will look in vain through the country for that wide-spread and intense distress of which some gentlemen have spoken.

That the contemplated increase of duties which some politicians regard as the certain means of relief, as a kind of political catholicon, will not, in its operation, produce in some parts of the country a greater portion of alternative misery than it will cure in others, is what the friends of this measure cannot safely affirm. The great difficulty is to pursue that wise and middle course, which, while it affords adequate protection to the manufacturing, does not cripple or prostrate the agricultural or commercial interests of the country. For, Mr. C. said, notwithstanding his opposition to the present measure, he must be permitted to declare, in the sincerity of his heart, and without the slightest reservation, that there is no friend who felt a higher and juster pride in the prosperity of the domestic manufactures of this

country, or a more anxious solicitude for their ultimate complete success, than he did.

I have said that the country, in some parts of it, exhibits cases of great hardship. It is due to truth and candor that this admission should be made.

The farmer of the grain-growing States will tell you that he has large annual surpluses of grain, which he is doomed year after year to see rot and perish on his hands. That it is to no purpose that he applies himself to the diligent cultivation of a fruitful soil; that each return of autumn finds his barns filled to overflowing with abundance, but that it is all useless, nay, worse than useless to him; for his well-stored barns stand continually before his eyes, as tormenting memorials of his own labors frustrated, and the bounty of his fields most cruelly wasted. He may represent his labors as equaling, in their fertility and vexatious disappointment, the fabled toils of *Sisyphus* himself. The deplorable accuracy of such a picture will not be disputed. Nor can any one turn away from the contemplation of such a picture, without first bestowing upon it that tribute of his consideration as well as of his sympathy, which it so well deserves.

It is quite natural that in any portion of the community where distress is sorely felt, where the ordinary stimulants to industry are very much diminished, or wholly withdrawn, that the individuals who experienced this inconvenience, should seize with avidity upon any expedient which, by possibility, among its various contingent results, might contribute to their relief. While they contemplate the reality and extent of their sufferings, they are easily cheated into a belief that any measure, no matter how illy contrived, may benefit them. And how do the friends of this measure propose to remedy the evil? The only plan that has been suggested has been, so to encourage the manufactures of the country, so to augment the mechanic labor of our citizens, that the number of artisans should so considerably multiply and gain upon the number of agriculturists, that we should raise up, in the bosom of our own country, a sufficient number of them to consume all the surplus provisions that the cultivators of the earth can produce. In a word, that we must become our own customers, and furnish a home market for all the superfluous grain which this wide-spread fertile country can grow. Whoever will consider the vast capacities of this country for producing every species of grain, in the most exuberant abundance, and the vast amount of mutual labor that has been superseded by modern discoveries, in labor-saving machinery, must be satisfied that, if this result could ever take place, it must be the effect of time alone. Any attempt to legislate against nature, and to hasten, by law, that which the slow progress of years can alone effect, would at least be vain, if it did not actually retard the very object you professed to accelerate.

Some of the advocates of this bill seem to

think that it is only necessary for Congress to grant the protection they ask, in order to insure them immediate and complete success. They seem to think that something magical is to spring out of an act of Congress, and that as soon as the seal of authority is affixed to their chartered privileges, all these manufacturing institutions, which in other countries have required the lapse of ages to bring them to perfection, are, on this side the Atlantic, to spring instantaneously, like Minerva from the brain of Jupiter, into a full, sudden, and perfect maturity. Any one who will attentively examine this opinion for a single moment, will not hesitate to pronounce it a perfect illusion; for, by tracing the early history of manufactures in every country, it will be found that the want of skill in the application of the capital and labor employed, has retarded their first advancement; and that complete success has been attained only after years of disappointment and disastrous experience.

In still further answer to this part of the argument, it may be said, that the proposed increase of duty is small, that it is idle to expect that so trifling an advance upon the burden already imposed, can produce such important consequences; and that the supply will still be adequate to the wants of the country, without any oppressive increase of price; that the deficiency at home will still be supplied from abroad.

Let us examine this supposition for a moment, in detail, to see whether it be true, or whether any the slightest augmentation of the present duty would not have the effect of excluding such fabrics altogether from our markets. The present taxes with which they are burdened to the purchasers, are such as barely to enable the Southern planters to purchase them, for the purpose of clothing their slaves. The extreme depression of their foreign markets has produced so much embarrassment at home, that many of them seriously deliberate within themselves whether they had not better, by some exertion of household economy, manufacture these fabrics of primary necessity within themselves, rather than purchase them at their present prices. And any one who will reflect on the facilities with which a slaveholding State may occasionally devote their labor to this object, without deducting from the average annual product of their crop, cannot be surprised to find this species of manufacture come into general use. How is it conducted? It is produced with hardly any loss of field labor. It is carried on chiefly by women, at seasons when the inclemency of the weather would prevent them from being employed in the field. And, on all large plantations, there are a number of women who, from their skill in this species of employment, their bad health, or infirm constitution, it would be found advisable to devote altogether to this species of labor. Thus, with a very trifling loss on any plantation, and on many without any loss at all, might be

produced a substitute for the immense amount of coarse woollens from abroad, at present consumed in the Southern country. The same kind of revolution would take place in the domestic economy of all the poor people. How can any one, then, undertake to say, that the operation of the present measure will not produce a diminution of the revenue?

But, said Mr. C., I hear it repeated, that the proposed increase of duty is so small an advance upon that already paid, that it is futile to expect such eventful consequences from a cause so inadequate; that a slight improvement in the price of cotton, of rice, or of tobacco, will enable the growers of those articles still to consume these foreign fabrics, without feeling any additional burden.

If what has already been said on this subject be not a sufficient answer to this *coaxing doctrine*, let me, said Mr. C., inform gentlemen, that the history of the world furnishes no example of the commercial or manufacturing part of a community who had any important object to subserve or promote, at the expense of some rival interest, who did not apply themselves to just such devices as the present, and employ the self-same expedients to allay the fears of those on whose interests they meditated an attack. Let me not be misunderstood. I do not mean to accuse the advocates of this bill with any fixed, deliberate purpose of subverting the interests of the Southern States. Nor do I believe that they have any wish to destroy that equilibrium which ought to pervade the industry of every well-regulated Government, so that, in the confusion which might ensue, manufactures might, peradventure, be exalted on the ruins of agriculture. I should be unwilling to believe that such a spirit existed in any portion of men, in any portion of this country. But, sir, the extreme subtlety with which such a spirit operates, the insensible influence which it exerts upon those who will not acknowledge its presence, and the thousand insidious forms that it assumes, for the purpose of accomplishing its object, might induce some gentlemen to look well to what they were doing, before they gave this measure their sanction. It would, at any rate, be but a poor consolation to those who are to feel the mischief of its unequal operation, to reflect, that its authors were actuated by the most benevolent intentions; that their design was purely to benefit themselves, without any the remotest intention to injure others. If the evil happens, it matters not what motives gave birth to it, and the mere absence of malignity from the intention of those who inflict it, can never mitigate the sufferings of the victim.

Intimately connected with its diminution of the revenue, may be considered the effects of this measure upon the maritime strength of the country. Its pernicious operation, in this respect, has already been so ably delineated by the gentleman from Massachusetts, that, Mr. C. said, he felt that, to enlarge on this topic,

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

would be an unwarrantable trespass on the committee. But, it did appear to him, that, exactly in proportion as the effects of this measure would be injuriously felt upon our finances, they would prove discouraging to our seamen; and, shutting our eyes upon the immense proportion of our revenue derived from this source, excluding from our estimate two-thirds of the whole national income, flowing into the treasury from our duties upon imports and tonnage, shall this Government, to favor a class of individuals, who will not make the return of a single farthing to the Treasury, to compensate for the sacrifice proposed, do an act, the ultimate tendency of which will be to cripple our maritime strength? Every seaman that you deprive of his daily bread, and every merchantman that you send from your employment, inflicts an injury upon the commercial spirit and naval enterprise of this country. And is this the opportune juncture that gentlemen have selected to inflict such a blow on the naval service of their country? Have they already forgotten the numerous "deeds of noble daring," and the gallant achievements that have covered our navy with a glory which the friends of that bulwark of our defence, trust, may be as lasting as it is unquestionably brilliant? Have they, before the sound has quite died upon their ears, forgotten that it is the dying echo of that thunder which reverberated across the Atlantic, and has dispelled the inviolability of the mistress of the ocean! Will they consent to be instrumental in bringing their country into that situation in which the verdant laurels with which their countrymen have so recently entwined the temples of our naval heroes, will wither and fade away? No! Such questions do equal injustice to the gratitude and magnanimous policy of this country. The legislative provisions of our Government speak a language on this subject, in perfect and delightful harmony with the undivided voice which is uttered from Maine to Florida. We ought, under existing circumstances, to look with an equal, if not with a jealous and parental eye, upon the claim which this class of our people has upon the regard and protection of their Government. That prayer which its divine Author intended for the guidance of all mankind, and which says, "Lead us not into temptation," ought not to be overlooked in what we propose to do in reference to this class of our citizens. They ought not to be placed in that situation in which they should be tempted to lead themselves to the practice of smuggling. We ought to touch with exceeding great caution the interests of that portion of the community who, from the immense contributions they have already made, and from the enormous exactions which are now yearly and monthly made of them, have no reason to suppose that they enjoy a monopoly of the public favor of this country. Let us beware how we adopt a measure which, in reference to the whole of this enterprising class of our citizens,

Vol. VII.—46

and to nearly one-half of all this Union, may emphatically be said to be against public opinion. We all know the lamentable consequences which flow from a measure which thus violates public sentiment; which arrays, on the one side, our long-settled habits, affections, judgments, and prejudices, if you please, against what, on the other? Nothing more nor less than your isolated, unsupported, parchment law! Experience as well as reason point to the introduction of the profligate practice of smuggling, and the general demoralizing effects of it on the mercantile community, as the two-fold mischief which may be expected to be realized in this country, as the first-fruits of this project. And let no one pretend to say, that the extent to which the practice of smuggling may be introduced, will not be such as will be seriously felt on our finances. Remember the strong feelings and cherished interests which the passage of this law will violate. Recollect that those feelings are deep-rooted, because they spring up in the minds of those who entertain them from a consciousness that they have already contributed more than their proportionate share towards bearing the public burdens. And, sir, when all these things are considered, let it not excite the wonder of any one if many of our merchants, believing their rights to be disregarded, and acting under the impulse of exasperated feeling, and a sense of justice denied them, should not weigh, with the most scrupulous nicety, the morality or immorality of the means they employed to pursue their accustomed trade and enrich themselves.

The history of this country shows that the mercantile part of it are not deficient in that sagacity and foresight which have immemorably distinguished men of the same pursuit, in every part of the world. We know that they calculate the mischief of a measure which affects them, by the rules of a very different arithmetic from that which gives to them the list of balances on their ledger, and ascertains for them the amount of their profits. They look to the principle of every thing, and scan with a jealous eye the unborn mischief which its operations may bring forth. While yet every thing presents the exterior of calm and of quietness, they, with a keenness of vision little short of the spirit of prophecy, penetrate into the future, and survey, with a solicitude which their magnitude could alone inspire, all the accumulated and monstrous evils of actual undisguised oppression.

Upwards of thirty years ago, a distinguished statesman of this country, (Mr. Hamilton,) whose views, in relation to its finances, were never thought to be chargeable with a want of energy, recommended a tariff of duties averaging from seven to eight per cent. *ad valorem*, as being, in his opinion, abundantly sufficient to protect our domestic manufactures, and to draw forth and energize all the internal resources of the country; and whoever will consider, for a moment, the immense natural ad-

vantages which this country presents for such manufactures, abounding as it does in every variety of soil, in every variety of mineral, and of ores, in every variety of water power, to be applied either to the purposes of transportation, or to be used for propelling machinery, cannot feel the least wonder that such a protection should, at that time, have been thought abundantly adequate. And has the American Government listened to the wise counsels of this distinguished member of her cabinet? It has. And has fulfilled, to the fullest extent, his recommendation. The duties that have been imposed, from time to time, since the period of his advice, have more than trebled what he recommended. And I repeat it, said Mr. C., that whoever will consider for himself the exuberant redundancy with which this country produces all the raw materials that can compose our domestic manufactures of every kind—whoever will cast his eye at the same time upon the map and upon the tariff of the United States, and contemplate the immense distance which separates us from all foreign competition, must inevitably come to the conclusion, that, if our manufactures have not already arrived to that degree of perfection which their most sanguine friends could desire, their backwardness is to be imputed to very different causes, from the want of protection.

A nearer view of our manufacturing establishments themselves, will conduct us to the same conclusion. What is their present condition? Mr. C. said he would not pretend (as he lacked the necessary information) to go into a minute and detailed history of the manufactures of this country. But a brief outline of some of the most prominent of them would convince any unprejudiced mind, that the repeated complaints that had been heard on this subject, were destitute of any foundation.

The manufacture of iron, in many departments of it, has been already attended with complete success. Many utensils of great and general use, made of this material, have long since acquired their utmost degree of perfection. The history of many of these manufactures shows that their success has not depended on extravagant legislative protection. For, sir, long before the protecting duty, designed for their encouragement, had reached its utmost limit, the ingenuity of the American artist had outstripped the bounty of his Government, and reached perfection.

The manufacture of cotton goods in the Eastern States has been attended with a success which has surpassed the expectations of the most sanguine friends of domestic manufactures. Wherever common prudence and skill have been exercised, capitalists who have embarked in this business have derived an annual profit from their investments, averaging from fifteen to twenty per cent. In some establishments their occasional profits have considerably exceeded that rate. Already have their fabrics become an article of export to foreign markets.

If these facts be not regarded as a sufficient evidence of the prosperity of this branch of American manufactures, Mr. C. said he was at a loss to know what proof gentlemen would ask. If such profits be not sufficient to satisfy their desires, Congress might exhaust in vain the treasury of the nation to glut their cupidity.

Our manufactures of glass ware have succeeded. Large establishments for this manufacture are now in prosperous operation at Boston, New York, and Pittsburg. Besides these, there are many minor factories scattered through the Northern and Eastern States, of whose profits and situation I cannot speak.

Our woollen factories, although they have not been crowned with the same success that has attended the cotton factories, have yet come far short of encountering an entire failure. Their progress will bear flattering comparison with the incipient stage of similar manufactures in other countries. And some explanation may be given to the uneasiness and discontent which this portion of our manufacturers have manifested, by calling to mind the fact that they have been reared up, and have had their day in the immediate vicinity of their more fortunate and flourishing sister factories of cotton. Incorporated, as they are, with each other, in point of location, it is quite natural that the daily contemplation of the superior success of the one, should fill the other with murmuring and despondency. But the actual intrinsic condition of the manufacture itself, ought not to be taken as the entire cause of the complaints we hear. Permit me, said Mr. C., to read, for the information of the committee, a statement of the manufacture of flannel in this country, which has met my eye during this discussion.

[Here Mr. C. read from a newspaper, showing the progress of the flannel manufactories in Boston and its vicinity.]

It is worthy of remark, in the present outcry which is made for protection against the ruinous effects of foreign competition, that the interests of large moneyed capitalists is distinctly to be traced. Amidst the general swell of complaint with which we are assailed, their voice is plainly to be heard. While they are besieging Congress with their importunities, the laboring crowds which fill their manufacturing houses are working on in silence and contentment. They are not to be benefited by the bounty which is asked. The wages of this numerous class of our citizens are not to receive a proportionate increase. They are still to remain the humble but productive instruments of pampering the pride and augmenting the wealth of their lordly and avaricious masters. Thus, the evident and direct tendency of this measure is to confer upon moneyed capital unequal advantages, and to raise up, in the bosom of our country, where we have so long boasted of our equal rights and privileges, and of the unsophisticated simplicity of our manners, a haughty, dominant spirit of aristocracy.

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

Of the effects of such a spirit, Mr. C. said, it was needless that he should speak to such an assembly. Suffice it to say, that, in no country has it ever appeared without changing and disfiguring the face of society. And there is no country under the sun where its first appearance should be more earnestly deprecated, and carefully avoided, than in our own.

Why is it, sir, since the cotton factories of New England have got into successful operation, and offer such strong temptations to avarice, that we find no emigrant from the South going thither to embark his fortunes in any of them? The answer is to be found in the condition of our country, and the character of our people. The present generation must pass away before such a spectacle will be witnessed in this country. Just as soon, said Mr. C., would he expect to see an aboriginal inhabitant coming from beyond the mountains, deserting his native wilderness, and seeking his happiness amidst all the splendid accommodations and luxurious habits of civilized life.

Mr. C. said he would say nothing about the demoralizing effects of a general introduction of the manufacturing system. For, notwithstanding he believed it fairly exposed to this objection, he had great consolation in believing that, whenever this mischief was seriously to be apprehended, it presupposed so extensive an introduction of the system already made, that he could not think there was much cause for alarm from this quarter. The objection would gather strength as the manufactories of the country became multiplied and enlarged. He was not afraid that the passage of the bill would suddenly convert the people of this country so much to manufactures that their morals would be ruined. We are yet hardly removed from our starting point in the great orbit we are destined to describe; and nothing could be more idle than to suppose that any vote which we may give on the question before us would have such a transforming effect upon the character of the American people. Ages must yet pass away before we can expect to see a Manchester or a Birmingham on this side the Atlantic, except they be scattered at great distances from each other.

Another objection, which is entitled to great weight in determining this question, is the tendency of the policy which dictates it to perpetuate itself. When you have once yielded to it, you are under a moral necessity for continuing it. Such has been the result of the experiment wherever it has been made. This year, one class of your citizens present themselves before you, and appeal to you for protection. You hear them, and grant their request. The second year another class, observing the listening ear which Government lends to such applications, are encouraged to prefer their claims. They succeed, and obtain the passage of a law for their special benefit. The third year opens the way for still a third class, who fortify themselves on equally strong ground, and make their

appeal to your justice or your liberality with equal success. Thus, all these laws, from their peculiar nature, being designed to operate upon improper subjects, produce consequences which were at first wholly unforeseen. These unexpected consequences, in their turn, beget the necessity of new legislative enactments. In this way you progress to an indefinite length, filling up your statute book with explanatory, supplemental, and amendatory acts, until you literally lose yourself in a maze of legislation.

Conduct like this has no just parallel, except in that of a man whose disordered health has been produced by the indiscreet use of remedies whose frequent repetition has established their dominion over him, and while they impose upon him the necessity of a ceaseless routine of medicine, render it perfectly certain that his health can never be entirely restored.

This is a policy unbecoming the destinies of our rising and spreading Republic. I do not, said Mr. C., wish to see this country, by this kind of political quackery, enervating and destroying all the wholesome and natural energies of her physical constitution. I am unwilling to see her taking such uncommon pains to superinduce upon herself, before their time, all the infirmities of old age. Such artificial stimulants as the present only suit the decline of life.

Our situation is a peculiar one. It involves us in high responsibilities. In every step we take, in the development of our future destinies, we should ponder with the utmost caution and most solemn deliberation. We are under obligations of the most sacred character, not only to the present generation, who are looking from every quarter of this Union, with the utmost solicitude, to the issue of our present deliberations, but to unborn millions who will yet live to experience the fruits of this measure.

In taking an enlarged view of the situation of our country, and of the policy to which it ought to direct us, it ought not to be forgotten that we are surrounded on all sides by the ocean. Look to what quarter of the horizon you will, and your eye meets an immeasurable waste of waters. What ought this circumstance to intimate to the statesman, who, like the immortal Edmund Burke, believed that the situation of every nation, like that of every individual, ought to be the preceptor of their duty? Would he not infer from it that the same munificent Providence that had blessed our happy country with such unexampled abundance at home, had thrown around us this circumambient world of waters to invite us to transport the fruits of our soil to every region of the earth? Yes, sir, it is our duty to beware how we fetter and restrain the spirit of commerce. That, if possible, ought to be left free as the wind of heaven that wafts it on the bosom of the deep. Let us take heed how we legislate our wharves, which are now populous and cheerful, into silent but impressive monuments of the commerce that has

deserted them. Mr. C. said he did not wish to see the flag of American commerce floating to the idle wind in our harbors. He wanted to see it visiting ocean's furthest shore, and returning home with the fruits, the treasures, and the riches of every clime. He wanted to see it extending its peaceful conquest over every sea, and as much respected in every quarter of the globe, for the skill of our sailors and the enterprise of our merchants, as it confessedly is for the heroism which so lately defended it in war. Trophies, won in this way, will contribute largely to the happiness, the wealth, and the power of this country. And, although they may not hold up, in such a bright relief, a few ambitious spirits who thirst for military conquest, will, when they are collected together by the future historian, constitute the most emphatic eulogium which can be pronounced upon the wisdom that has guided the councils of this nation.

When Mr. CARTER had concluded—

The question being put on Mr. ISAACS' amendment, was decided in the negative—ayes 72, noes 96.

Mr. CLARK, of New York, then moved to amend the duty on iron, by reducing it from one dollar and twelve cents to ninety cents. A motion was made to rise—ayes 87, noes 96.

Mr. CLARK then supported his motion by a speech, but gave way, at half-past 4 o'clock, for a motion to rise.

The committee rose accordingly, and the House adjourned.

TUESDAY, April 6.

Canal in the Territory of Florida.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred, on the 29th ultimo, a memorial of inhabitants of St. Augustine, reported a bill to authorize the Territory of Florida to open a canal through the public lands, to unite the river St. John's with the Bay of St. Augustine; which was read twice, and committed to a Committee of the whole House, to which is committed the bill to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie.

The Tariff Bill.

The House then again went into Committee of the Whole on the bill to amend the several acts laying duties upon imports.

Mr. CLARK, of New York, had moved to reduce the duty on iron from one dollar and twelve cents to ninety cents per hundred weight.

Iron.

In support of this amendment, he said that, after the very protracted debate on this bill, it could not be expected he would trespass on the

patience of the committee by going very fully into the discussion of the subject. Indeed, said he, the gentleman from Massachusetts, (Mr. WEBSTER,) by the very able manner in which he has dwelt upon this particular part of it, has left little more to be said. I believe, sir, most firmly, that no additional duty ought to be laid on iron; but, since the committee have decided against striking it out altogether, I have thought proper to try their opinion on a moderate increase, one which will be less burdensome and oppressive on the industry of the country. I do not doubt that manufacturers of this article, who have good ore near navigable waters, and other conveniences for carrying on their business, can, with proper economy, make it profitable and productive under the present rates of duties. And if others cannot, it is because they have not those advantages, or do not observe the same economy. I have, sir, a statement in my possession, which I received from a respectable source, giving, in detail, all the items of expense in making a ton of iron. This statement I believe to be sufficiently correct, and to contain at least as high rates of labor, &c., as the present prices.

From this statement, sir, it appears that no branch of business in our country is carried on with more profit to those engaged in it, (I mean of the description I have mentioned,) nor with more certainty of success; and any further protection would only be giving them enormous profits. [Mr. C. here read the detailed statement, by which it appeared that the expense of making a ton of iron was only \$63 60.] From the price current, it appears the price of this article, now in our market, is from \$81 to \$88 a ton. So that the profits, at this rate, are from \$17 40 to \$19 40 a ton. Here, sir, is an ample profit, and one that offers better encouragement than almost any other branch of business in the country. I am aware, sir, that this will not apply to more than one-third of our iron factories—that the others labor under disadvantages of various kinds, and probably even with the proposed duty would find no protection. Increase your duties, sir, so as to shut out all imported iron from the country, and those who now really require the protection, would find themselves undersold in the market by their more fortunate competitors, and would as much need protection against them as the importers.

But, sir, if all these considerations were obviated, and none of the objections I have enumerated existed, I should still be opposed to this duty from other considerations. I would oppose burdening this article with heavy duties, because such a measure would be at war with the general objects of the bill.

What is that object, sir? It is the encouragement of the agricultural and manufacturing interests of the country. This bill proposes to load with additional duties one of the staple necessities of both these employments. You also profess, by this bill, to give encouragement and employment to industry. By stopping the im-

APRIL, 1824.]

The Tariff Bill—Iron.

[H. OF R.]

portation of it, you drive a large portion of the navigating interest from their usual and accustomed habits of industry; you subject them to poverty and ultimate ruin; you increase the price of a necessary material of nearly every manufacturer and every artisan; and, what is more than all, you are loading the farmers of the country with exactions which will bear upon and oppress them heavily.

Sir, I have said I would not advance, with this bill, a single step beyond what I believed to be for the interest of him who cultivates the soil; I still adhere rigidly to my determination; and nothing shall drive me from it. I vote for an increase of duty on woollen goods, because I believe it will make a market for wool; on molasses, because, as the importation of it is diminished, its place will be supplied with grain for distillation. But, when you propose a tax on this article, which will bear so heavily upon the farmer, and do so much to empty his pockets, I shall use my feeble efforts against it.

But, we have been told, in the course of this debate, that we must compel ourselves to make this article at home, in time of peace, because, in time of war, our commerce will be driven from the ocean, and our harbors locked up by the enemy. This case, so extreme, so improbable, and unlikely to happen, may, in the course of the strange vicissitudes that visit nations, ultimately be realized. But, sir, when such an event occurs, I trust the want of this article will be among the most tolerable of our sufferings.

Should we go to war with Russia, we could procure it from Sweden and all the rest of Europe. If with England, or Sweden, we could obtain it from Russia. Should our vessels be swept from the ocean, still, however, it would be brought to our ports with but a trifling increase of price.

Sir, I have made all the inquiry in my power, and I have not been able to ascertain that there are more than from five to six hundred of these factories in the United States. These are probably owned by from five to eight hundred individuals. It is for these individuals we are called upon to lay a burden on more than ten millions of people; to drive twenty times their numbers from their favorite pursuit, and involve thousands in ruin. I exhort gentlemen to pause and reflect before they take this broad step in the maze of inconsistency.

Let me not be told, that we are furnishing employment for a great mass of our citizens in carrying on each of these factories; for every one who has had any knowledge of this business must know, that their condition is not bettered by their employment. The workmen around them are generally the least enlightened, the most poor and degraded of any in our country. The employment of most of them is to cut down and make waste of timber, which, in many cases, is seriously to the detriment of the country around them.

Sir, in every point of view I have been able

to look at this subject, I have arrived at the same conclusion. It will operate as an unjust and oppressive burden, from which you will ultimately be compelled to recede.

Mr. TON, of Pennsylvania, in reply to Mr. CLARK, said he had flattered himself that one tedious debate, and one decision upon this item of iron, would have been sufficient, at any rate, in Committee of the Whole. I do not complain, but I must say that the disappointment is extremely mortifying, by a friend of the bill renewing a question in substance once settled—renewing it at this time, when it is evident that delay is destruction; and renewing it in such a manner—for I think the gentleman from New York made his motion, and, as soon as he rose to support it, moved for the committee to rise. The committee refused. In a very few minutes after, the gentleman from New York gives way, yields the floor to another member, to renew the motion for the committee to rise, which motion succeeded, and brings us to the second day of the second debate, on a single item of a bill which has been before us now almost three months, and a decision upon which seems to be protracted to a length, perhaps unexampled in this or any other country.

Mr. TON said, I blame no one, nor pretend to any right to dictate to any member what course he shall pursue; yet the gentleman from New York will excuse me for saying, that, dismayed as I am at the time and manner of his renewing this discussion, I am still more dismayed at his arguments. From our opponents, I can hear any thing without emotion; but the reasons given by the gentleman from New York strike me with a chill which I will not attempt to dissemble. The gentleman from New York supposes that only six or seven hundred iron masters are to be benefited by this duty. If he is right in that, then it would be true that only the merchants are benefited by trade and navigation. But it must be a total mistake—the whole agricultural interest of our country is directly interested. The 40,000 tons of iron which we import, the two millions of dollars which we pay for it, only deprive our people of a market to that amount for their grain, beef, and pork, which articles those governments which send us their iron will not suffer their people to touch, coming from us. Our opponents admit, that domestic industry ought to be protected when we are ripe for it, as the phrase is. Now, iron we are not only ripe for, but, some years ago, actually were in the way of fabricating, to the full amount of our own consumption. One object of the gentleman from New York appears to be, to mend the morals of our people by importing from Europe. To the workers in iron he has applied the epithets of poor and degraded. As to their poverty, it may be true enough. How can it be otherwise when their business is so reduced, and they cut out of three-fourths of it by foreign importations? "Degraded" is a term not applicable to such men. To be sure, there are many professions and occupations

H. OF R.]

The Tariff Bill—Iron.

[April, 1864.]

which appear more neat and genteel; they have leather aprons and blacked faces; but a great majority of them are not only laborious, but frugal and careful; and those who are thoughtless and imprudent, are yet almost invariably honest and manly. They love their country. Theirs is a robust and hard business; there is nothing in it degrading to body or mind. Sir, it has been said in this debate, some months ago, or in some other, I forget when—for there is one thing peculiarly lucky in this tariff discussion, that every thing said will bear repeating at least thrice, and still, with all the advantage and grace of novelty, having been forgotten from length of time—it has been said, or might have been said, that the iron workmen of Sweden, when nobles, and gentry, and farmers, and merchants, and seamen, had submitted to foreign domination, collected together, and saved their country. It is notorious that, during the gloomiest times of the late war, and afterwards until Government thought fit to abolish the internal duties, there was no resource in our nation for men and money, superior to that of the iron works in the interior. If supported and protected, they will add more real strength and wealth to our country, than the cultivation here of all the cotton raised on this continent, and Egypt and Bengal put together, could possibly do; for this work is carried on by free labor, that by slaves. Before he sat down, Mr. T. said he wished to relieve the gentleman from New York (Mr. CLARK) from his anxiety lest the iron works should consume all the wood; true, they do cut the wood from the hills; but equally true it is, that the wood invariably springs up again, and is ready for another cutting every twelve or fifteen years.

Mr. CLARK replied to Mr. T. He said, as to the fears and dismay expressed by the honorable chairman, he could only say it was unnecessary for him to have disclosed them to the committee at this time, since he was sure no gentleman would be turned from his course by such disclosure. Indeed, sir, I am not legislating, at this time, for the purpose of pleasing that gentleman. No, sir; I shall vote and act without reference to his opinions. If the gentleman supposes his appointment as chairman entitles him to direct all the friends of the bill in the course they are to pursue in its details, he is mistaken so far as relates to me. True, sir, I am in favor of a revision of the tariff; but it does not, therefore, follow that I am bound to support the whole of every provision the gentleman has chosen to insert in the bill. If that gentleman considers himself a sort of drill sergeant, to manœuvre the friends of the tariff, I, for one, must beg to be excused from his discipline. Why, sir, all this complaint about the time I have taken to introduce this amendment? Are the committee to be told at what time they shall stop amending the bill? I, for one, cannot recognize his right to such dictation.

But, says the gentleman, we have arrived at the second day of the second debate on this

amendment. What then, sir? Is this such an appalling fact as to shake the gentleman's nerves? Surely, the case is no anomaly in legislation. The committee decided, on a former motion, that they would not strike out the whole of the proposed increase; but does it follow that they will not reduce it? Sir, it was not until I learned that a number of its friends were anxious for this reduction that I proposed it. Indeed, sir, the decision of the question on striking out the whole was not very satisfactory to me. More than seventy members were out of the House, and the majority small. The result, however, will show whether I am correct.

The only answer I have to give to the gentleman's statement, that "two millions of specie are annually exported to pay for iron," is, to point him to the Treasury report of imports, exports, and tonnage, of the United States, where he may learn that, in the preceding year, less than thirty-three thousand tons of iron have been imported from all the world. That nearly all of it was brought from Russia and Sweden, and not a dollar of specie has been exported to either of those countries. On examination, he may also learn that no money is carried from this country to pay for iron, but that it is always purchased with such articles as we can easily spare, and such as we ought to dispose of. Sir, I said yesterday, and I say again to-day, that, as far as my observations have extended, the persons in the employ of iron masters, and their families, are less enlightened, more poor, and unhappy, than any other class of citizens among us; that this is the most undesirable of any employment in the country. I shall not, however, deny that a recruiting officer might fill up his ranks among them as quick as among any other people.

Sir, having made no allusions to "black faces and leather aprons" myself, I presume the gentleman did not mean what he said on that subject as an answer to my argument, but designed it for other purposes. Hoping, therefore, that it may have the desired effect, I shall leave him to enjoy the benefit that is to be derived from such reasoning.

Mr. HAMILTON, of South Carolina, after making a few introductory remarks, on the course which had been pursued in the discussion of the details, as well as the general principles of the bill, which he reprehended, as furnishing the most unequivocal tokens that its friends were about, if possible, to limit the freedom of debate, and force the bill into the House at a moment when several important amendments were about to be tried in committee—observed that, in rising to address the committee, he could but be sensible of the serious embarrassments which awaited him in following, on the same side of the question, the gentleman from Massachusetts, (Mr. WEBSTER,) who had greatly abridged, if he had not entirely exhausted, the topic before them; and whilst, Mr. H. said, he participated in the pleasure which all had enjoyed, in hearing the unanswerable argument of

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

that gentleman, (an argument that had scarcely left the honorable Speaker [Mr. CLAY] an inch of ground to stand upon, notwithstanding the vigor and elasticity of his genius,) he should endeavor to avoid a repetition of any of the remarks of the gentleman from Massachusetts, however difficult the task, when speaking on the subject. If, however, he could glean a single topic which had not been gathered in the abundant harvest which had crowned the efforts of that gentleman, he should regard his own exertions as not absolutely useless and unimportant.

Mr. H. said he hoped that, in his reply to the honorable Speaker, he would offer some atonement for the trespass he was now about to make on the patience of the committee, when he informed them that, at least in reference to those parts of the gentleman's argument in which he sustained himself by the force of British authority, that he would meet him by English doctrine, also; and he undertook to affirm that, notwithstanding the ingenuity with which these authorities had been used, there was more to be found in British precept and example to admonish us to avoid the policy which the honorable Speaker was desirous of forcing upon his country, than the reverse.

And here, at the very outset, Mr. H. said, he would take occasion to remark that, if Adam Smith (an authority, by the way, much contemned by a certain school of political economists in this enlightened age and country) could have risen from his grave, and heard some of the extraordinary opinions of the honorable Speaker, this worthy old philosopher would indeed have believed that the world, ever since his exit from it, had been in a slumber as profound as that which had visited his own tomb. He would have thought, with good reason, that all those anticipations of the progress of truth, and the consequent extirpation of error, which he had cherished in a generous love of his species, had indeed been the idle dreams of a foolish and vain philosophy—for he would have met here the very dogmas of that school of restriction and monopoly which it had been the chief business of his valuable life to refute and overthrow. But there would have been in reservation for him one astounding circumstance for which he would have been altogether unprepared—and that is, to have heard the pathetically and poetically drawn pictures of the present distress and debility of our country attributed to the freedom of our trade, and the overflowing abundance of our agriculture! However much the narrative of these diseases, and their causes, might have surprised him, the catholicon which is proposed for their cure, would have been more a subject for his especial wonder and speculation—a remedy which embraces in their most potent combination, the old and exploded ingredients of monopoly and restriction. But, Mr. H. said, his business was rather with the living than with the dead. Before, however, he dismissed this branch of the

subject, he would say, if we were disposed to throw aside, as refuse lumber, all that had been written by this great man, on a subject to which he had brought a philosophic spirit, enlightened by the most extraordinary endowment of intellect, formed by the most propitious opportunities for observation, and warmed by as enlarged a philanthropy as ever animated the human breast, it would be well to advert for one moment to the past, and even present situation of our country, in reference to the great resources of its productive wealth. If the tree was to be judged by its fruits, it might be inquired how it was that, in spite of our deplorable fatuity and blindness, in running counter to the favorite maxims of this school of restriction, this country should have prospered, and still prospers, beyond all example. Yes, sir, it might well be asked, if high or prohibitory duties on imports are essential to the proper development of the industry of a nation, how it comes to pass that, within the ordinary duration of the life of man, we may be said to have built up an empire of such vast power, and possessing, within itself, such varied resources of wealth and happiness.

Serious distrust must be entertained of any scheme, having for its objects a diversion of the capital and labor of the country, when we look about us, from one end of this continent to the other, and see so many monuments of what the enterprise of our people had effected in the ordinary channels in which it had been employed: and, if one or two of these memorials of the industry of our people were selected, they would be amply sufficient for the argument, without a more comprehensive collection. If it were desirable to see what the commerce of the country was capable of effecting, a reference to New York and Boston would satisfy this inquiry. There might be seen the rise of cities, the rapidity of whose progress is without a parallel, in ancient or modern times. If it was necessary to ascertain what sort of wonders the results of agriculture could achieve, it is only requisite to turn to the West, and within the period measured by the contemporary recollection of the youngest of us, to see a wilderness subdued, a vast and intelligent population created and sustained by the prolific treasures of the earth. It might indeed be seen, that, since the peace of '82, by the conjoint operation of commerce and agriculture, seven millions had been added to our population, eleven States to the Confederacy, innumerable tracts of fertile territory brought into successful culture, and in spite of all that had been said, a vast and almost incalculable sum added to the active capital of the country.

Before, therefore, we acquiesce in the necessity of changing the existing employment of capital, in our country, which has confessedly done so much for us, there are a few salutary truths, which, however old-fashioned they may be, it may not be unimportant to notice.

One of the first of these is, that the production of a country must depend on its capital and

labor, and that the latter bears a just proportion to the degree of skill and industry with which the former may be employed; now it follows as a fair corollary from these principles, that labor and capital, if left to their own direction, will always seek, and find, their most prosperous exercise and investment, and that this may be safely confided to the sagacity of individuals who, by a law of nature, invariable in its operation, will pursue that department of industry which promises to yield either immediately or ultimately the greatest profit. Thus it is, in the words of a popular author, that, "whenever any thing is to be made by a particular employment of industry, it wants no encouragement; where there is nothing to be made it deserves none."

We may, at least, be certain of one fact, that no divine alchemy has been revealed to us, that we can, at pleasure, produce wealth, by legislating an alteration in the pursuits of our people. We may, it is true, disturb the ordinary operations of labor, and increase the profits of a given branch of industry; but, as the whole of our society must make up its aggregate account of profit and loss, what is added to one class as profit, in the way of encouragement, must be taken from the other, in the way of a tax and consequent loss. To conclude this part of the inquiry, if there is any truth which appears to be sustained by experience, it is, that the only consequence resulting from the interference of Government in the employment of labor and capital, is to give to them an artificial distribution, and to coerce them into less profitable pursuits, than if left to be disposed of and controlled by their natural owners, who are most sensible of their value, most responsible for their use, and have the greatest immediate interest in their successful employment.

These remarks, Mr. H. said, he made without indulging in any spirit of hostility to the domestic manufactures of the country, and that he was prepared to admit that they were to be encouraged precisely to the extent, and no further, than this encouragement was not calculated to discourage the other great sources of the productive industry of the country. And here he would take occasion to say, that the imposition of the duties on imports for the purpose of revenue, furnished in all a reasonable, and in many a high rate of encouragement, to which, if were added the incidental charges on importations, and with which the foreign article was almost exclusively burdened, the manufactures received all the protection to which they were in justice entitled, and all that the country could afford to pay. When, therefore, the gentlemen who were in favor of the scheme of immense taxation, involved in the bill on the table, were so regardless of the past, and so perfectly gratuitous in their assumption of facts, as to found their arguments on the basis that there was no sort of protection, except to a few favored articles, they must be prepared to say that an average duty of nearly twenty-five per cent. on

the consumption of the country was nothing, or to admit that there was something so incurably defective in the manufactures of the country, that nothing short of prohibition, or the exclusion of all foreign competition, could furnish a fair return for their productions, or force them into an unnatural existence.

The opinions of the former Secretary of the Treasury, Mr. Alexander Hamilton, have been much relied on, and his celebrated report on manufactures (unquestionably a very able and ingenious State paper) has been quoted, but often with a gross perversion of the scope of the argument of that great statesman. Great as was his admiration, said Mr. H., of the talents of this statesman, he was not prepared to take his opinions on this subject, or that of Government, without some qualification and limit. General Hamilton was a contemporary of the younger Pitt, and they may have been said to have been, at the same time, prime ministers of their respective countries. It is perfectly obvious that General Hamilton rather looked to the practice of Pitt, (whom he resembled in the grandeur of genius,) than to the writings of Adam Smith, and the French economists. His opinions came, therefore, from the mintage of the restrictive, exclusive, and jealous systems of trade and finance, which, in spite of the occasional theories of Pitt, oppressed his whole scheme of government. But, as clear and emphatic as Mr. Hamilton was in his report, he could have formed no conception of the extent to which his doctrines would be pushed, by his present avowed disciples, who have attempted, with singular injustice, to give currency to their schemes of violent taxation and oppressive monopoly, by the authority of his name. As the present question is one of figures, perhaps the best answer to the inquiry what sort of encouragement Mr. Hamilton deemed necessary for the development of the manufacturing capacities of the country, would be given, by comparing the rates of duties which he proposed, with those in the bill now under the consideration of the committee. Mr. H. said he would now advert to a few of these items.

[Here Mr. Hamilton went into an extended argument, principally on the details of the bill, and in reply to Mr. Clay, the Speaker of the House, and especially on the capacity of the home manufactures to consume any considerable quantity of our annual crop of cotton. On this point he said:]

In relation to our Upland cottons, Great Britain may, without difficulty, in the course of a very short period, supply her wants from Brazil—to facilitate which, all the ancient relations of a favored intercourse with her steadfast ally, Portugal, would be at once subservient. When it is recollected that Brazil produces a cotton which occupies an intermediate place between the Sea Islands of Georgia and South Carolina, and the Uplands of New Orleans, which the daily improvement in machinery is bringing

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

nearer to the former, as to most of its uses, and that there is in this fine region, stretching through thirty-five degrees of latitude, from the Equator, a section of country admirably adapted to the cultivation of this staple, greater in extent than the whole Atlantic States of this Union, the reasonableness of our apprehensions may be estimated, as well as the gross impolicy, by injurious duties on our imports from England, of driving her, either from caprice or interest, to seek other adequate sources of supply. How long the exclusive production, even of the Sea Island cotton, will remain to our country, is yet a doubtful and interesting problem. The experiments that are making on the Delta of the Nile, if pushed to the ocean, may result in the production of this beautiful staple, in an abundance which, in reference to other productions, has long blest and consecrated Egyptian fertility. But, the circumstance that many of the costly articles of luxury which are now made of Sea Island cotton, can be manufactured of silk and flax, coupled with the fact of the great efforts which are making in Great Britain to encourage the former establishments, not by bounties and monopolies, but by their destruction, (for these remedies are regarded there as vile quackeries,) will tend emphatically to prove that the present is an awful crisis in the cotton trade of the country.

We are told by the honorable Speaker, that our manufacturing establishments will, in a very short period, supply the place of the foreign demand. The futility, I will not say mockery, of this hope, may be measured by one or two facts. First, the present consumption of cotton by our manufactories, is about equal to one-sixth of our whole production, not very much exceeding 80,000 bales; whereas, the crop of 1824 may be fairly estimated at 600,000 bags. How long it will take to increase these manufactories to a scale equal to the consumption of this production, he could not venture to determine; but, that it will be some years after the epitaph will have been written on the fortunes of the South, there can be little doubt. But suppose, for the sake of argument, that the whole of the cottons of the South could be worked up in this country, where will you find a market for the articles manufactured—not at home: for, of the 448,211 bales of cotton which Great Britain purchased of this country, between the first of January, 1823, and the thirty-first of December, 1823, she has sent back to us, according to the best calculations, in the shape of manufactured articles, about 40,000 bags. Suppose, however, that our home consumption be equivalent to 140,000 bales, (which is an enormous estimate,) where are you to find a vent for the articles manufactured of the 460,000 bags that will remain? In South America, the honorable Speaker tells us—but what a fallacy have we here! What! whilst we dread British competition on our shores, more than Hamilecar hated the Romans, we can, nevertheless, undersell England in foreign markets! Yes; whilst

we are told that, for the very existence of manufactures that have been in operation ten or fifteen years, it is yet necessary to lay protecting duties of from fifty to one hundred per cent., we can, nevertheless, traverse the ocean, encounter freight and charges and duties in other countries, and compete with our old enemy, who is so much dreaded at home. How this is to be effected without a miracle, Mr. H. said he was at a loss to perceive, without our manufactures, like the Prophets of old, were more honored and successful abroad, than at their own firesides.

When Mr. HAMILTON had concluded—

Some remarks passed between Mr. MARTINDALE and Mr. HAMILTON.

The question was then taken on Mr. CLARK's motion to reduce the duty on bar iron from \$1 12 to 90 cents per ton, and decided in the affirmative—99 to 90.

At this time, and several times in the course of to-day's sitting, motions were made to rise, all which were rejected.

Mr. BRADLEY, of Vermont, then moved to amend the bill by inserting therein the following provision, viz:

"On all books which the importer shall make it satisfactorily appear to the collector of the port at which the same shall be entered, were printed previous to the year one thousand seven hundred and seventy-five, and also on all books printed in other languages than English, four cents per volume.

"On all other books, when bound, forty-five cents per pound.

"On all other books, when in sheets or boards, forty cents per pound."

This motion was negatived without a division.

Mr. WEBSTER, of Massachusetts, then moved, as an amendment to the bill, the following, to come in at the end of the 5th section:

"And be it further enacted, That, from and after the — day of — next, the duties now imposed and payable on the wines, herein enumerated and described, shall, at their importation into the United States from any foreign port or place, cease and determine; and, in lieu thereof, the following rates or duties, respectively, shall be laid, levied, and collected, on all such wines, at their said importation, that is to say: Upon all Madeira wines, 70 cents per gallon; upon Sherry, St. Lucar, Lisbon, Oporto, and other wines of Spain and Portugal, not herein enumerated, 50 cents per gallon; on Teneriffe and all other wines of the Canary Islands, 40 cents per gallon; on Fayal and all other wines of the Western islands, 40 cents per gallon; on Sicily wine, 50 cents per gallon; on Malaga wine, 30 cents per gallon; all other wines, not enumerated in this or some other law, when imported in bottles or cases, 50 per cent. *ad valorem*; on all other wines, when imported otherwise than in bottles or cases, 40 per cent. *ad valorem*: *Provided*, That the amount of duty thereupon shall, in no case, exceed 100 cents per gallon."

After some brief debate on this motion, it was decided in the affirmative—ayes 110.

Mr. WICKLIFFE then moved to amend the bill by inserting therein the following:

"*Be it enacted*, That the provisions of the second section of the act of Congress, entitled 'An act to regulate the duties on imports and tonnage,' approved 27th April, 1816, shall extend and enure to the benefit of schools and colleges within the United States or the Territories thereof, in the same manner (under the like limitations and restrictions provided in said act) in which they apply to seminaries of learning."

This motion was agreed to—ayes 116.

Mr. CLAY then moved to amend the bill by inserting the following:

"On all manufactured copper in sheets and bottoms of every description, three cents per pound."

This motion was negatived—ayes 76.

Mr. ALLEN, of Massachusetts, then moved to amend the bill by inserting therein the following:

"On brown sugar, two cents per pound; on white clayed or powdered sugar, three cents per pound."

This motion was negatived without debate and without a division.

Mr. FULLER, of Massachusetts, then moved to amend the bill by inserting the following:

"On printed books, thirty-three and one-third cents per lb."

This motion, also, was negatived without a division.

Mr. MILLER then moved to amend the bill by inserting "on mustard in bottles, fifty cents per dozen." This motion was negatived.

Mr. SANDFORD, of Tennessee, then moved to amend the bill by inserting the following:

And be it further enacted, That no debenture or drawback shall be allowed to any foreigner, who is not an inhabitant of the United States, on any goods, wares, and merchandises, he may have imported into any of the aforesaid United States, or Territories thereof."

This motion was negatived without a division.

Mr. HAYDEN, of New York, then moved to amend the bill by striking out the following: "On wheat flour, fifty cents per hundred weight," and inserting, "On wheat flour, eighty-five cents per one hundred pounds."

This motion was negatived without a division.

Mr. BAYLIES, of Massachusetts, then moved to amend the bill by inserting, "On race ginger, one dollar per hundred weight; on ground ginger, two cents per pound."

This motion was negatived.

Mr. CONNER, of North Carolina, then moved to strike out eighty cents, the proposed minimum valuation of imported woollens, and insert, in lieu thereof, forty cents.

This question was decided in the negative by the chair, 94 votes to 92; but, a new count being demanded and taken, there were ayes 100, noes 95; so the motion was decided in the affirmative.

Mr. MERCER, of Virginia, then moved to amend the bill by striking out the second sec-

tion of the bill; which is in the following words:

And be it further enacted, That, in all cases whatsoever, all articles, composed of various materials, shall pay the highest duty to which articles manufactured from any of such materials are subject."

This motion was, after considerable debate, decided in the negative—99 to 94.

Mr. MERCER then moved to strike out of the bill the 30th day of June, (the day on which the bill is to go into operation,) so as to defer it to a later day; which motion was negatived—92 votes to 89.

Mr. VAN WYCK then moved to amend the bill by inserting, in lieu of the duty on woollens, to take place after 30th June, 1825, the following:

"Afterwards a duty of thirty-five per centum ad valorem, until the 30th day of June, 1827; afterwards a duty of forty per centum ad valorem until the 30th day of June, 1829; afterwards a duty of forty-five per cent. ad valorem, until the 30th day of June, 1831; and, after that time, a duty of fifty per centum ad valorem."

This amendment was negatived without a division.

Mr. LIVINGSTON then moved to strike out the whole of the proviso which proposes a minimum valuation on imported woollens.

The question on this motion was taken without debate, and decided in the negative—ayes 78.

Mr. BARTLETT, of New Hampshire, moved, at the close of the first section of the bill, to insert a duty on all domestic distilled spirits, of fifty cents per gallon, with a declaration of an intention to propose a drawback on such as should be exported.

Mr. STORRS suggested the necessity of provision, with such an amendment, for officers to collect the duty, &c.

Mr. BARTLETT said his object was merely to introduce the subject in Committee of the Whole, so that he might be able to introduce the motion, with all its necessary details, when the bill should come before the House.

Mr. FORSYTH suggested that a proposition of this sort, for an excise duty, could not, with propriety, be introduced into a bill proposing a duty on imports.

The motion was negatived without a division.

Mr. CRAIG moved to amend the bill, by striking out the proposed duty of four cents per lb. on white and red lead, and inserting a duty of five cents on that article.

The question on this motion was decided in the negative without a division.

Mr. CLAY rose to speak in explanation on one or two points which had been touched upon in debate.

This question was taken on the committee's rising and reporting the bill, with the amendments made to it, and determined in the affirmative. The Speaker resumed the chair, and the report was made from the Committee of the Whole.

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

Mr. FORSYTH then gave notice that he should, to-morrow, move for the indefinite postponement of the whole subject, and require the yeas and nays on the question.

And then the House adjourned.

WEDNESDAY, April 7.

The Tariff Bill.

The House then proceeded to the consideration of the amendments reported by the Committee of the Whole to the tariff bill.

Mr. FORSYTH rose, and withdrew the intimation, yesterday given, of his intention now to move the indefinite postponement of the bill. This he did at the suggestion of several members, (contrary to his previous impression,) that the features of the bill were not sufficiently fixed by votes in Committee of the Whole, as to determine all the members to vote decisively for or against the rejection of the bill in its present state. He should therefore defer his motion until the question had been settled as to the amount of duties to be proposed on the leading articles, wool, cotton, and iron.

The clerk then read the several amendments reported by the Committee of the Whole. And the question being on concurring in the first amendment, (reducing the minimum on woollens, from 80 to 40 cents the square yard,)

Mr. TON, of Pennsylvania, rose and addressed the Chair, as follows:

Mr. Speaker: It was the intention of the Committee of Manufactures that no more of the time of the House should be taken up by any of them, in this debate. Such was generally, I believe, the wish and intention of the friends of the bill. But now some few things appear almost necessary to be said. One thing, perhaps, requires to be repeated; that the measure here proposed is not designed chiefly to promote the profit of manufacturers, but, through manufactures, to relieve the poverty and distresses of the agricultural portion of the country. Petitions and addresses are no proof of distress. That is admitted. Yet, there is a certain extremity of poverty, which, spreading over a great extent of country, wants no proof but the notoriety of the fact. Every one knows that some great portions of this Union are almost exclusively agricultural; that, with few exceptions, they can have nothing wherewith to purchase manufactures, but grain, or the products of grain. It is evident that an agricultural, grain-raising people, importing the manufactured necessities of life from countries which refuse to take, in return, the only articles they have to dispose of, and for which articles they have no other market, must inevitably be poor, and in debt. Statistical recorded facts will of themselves give proof. The gentleman from Massachusetts (Mr. WEBSTER) has observed, that the years of former prosperity, selected by the honorable Speaker from his statements of exportation, were probably those most favorable to the argument. Take, then, a different set of years. Take five years to-

gether, those of 1790, '91, '92, '93, and '94. The yearly average quantity of grain and flour exported for those five years, was 1,421,335 barrels. The commercial statements of that day do not give the value. But Mr. Pitkin has calculated the value for 1792 at \$7,649,887.

Our population, in 1790, was about four millions. In the present times, for the last three years, our exportation of every species of grain and flour has been as follows:

1821	Barrels, 1,860,453	Value, \$5,184,999
1822	1,098,768	6,827,510
1823	1,074,528	6,263,237

Yearly average, 1,177,949 Av. val. \$5,925,249

Our population has now reached to ten millions, and let it not be forgotten, that, during those times when we exported breadstuffs to the amount of \$7,649,887, the whole agricultural grain-exporting population of the United States did not, probably, equal the present population of one single State. By far the greatest proportion of our increase of numbers, since 1790, has been to the grain-raising population of the country. Large States and Territories, which are now the most fertile in grain, have been since that time acquired, or were then a wilderness. A few people might then have been encamped in the West, but, to all the purposes of this argument, the States of Kentucky, Ohio, Tennessee, Indiana, and Illinois, have been since settled. So, probably, one-half of the grain-raising parts of Virginia, Vermont, Maine, Georgia. Add, not Territories only, but States, since acquired, and now cultivated. Add the improvements in agriculture, mills, roads, and in all the facilities of production and transportation. I will not dispute about particular items and sums. Whatever deduction any gentleman thinks he can in conscience ask for, let him make it, and he will find that our country could now, were there any adequate market, raise and export five times the amount of grain we exported thirty or thirty-four years ago. It is not, perhaps, extravagant to say, that those parts of the single State of New York, which have been settled during the last thirty-four years, are now capable of raising and exporting more grain than was exported from the whole United States in 1790. Thus, with all this increase of numbers and capacity, almost beyond calculation, our exports of grain are reduced from \$7,649,887 to \$5,925,249; while the importation of foreign manufactures has been increasing with the decrease of the facilities of payment.

The gentleman from Massachusetts (Mr. WEBSTER) has seemed to question whether this diminution of exports shows any diminution of prosperity. On that head, let it be observed, that the most vehement of the opposers of this bill are so, because they apprehend that, at some future day, the effects of the measure may be to prevent the exportation of some part of their staple commodity, cotton. Then they, at any rate, put no very great practical faith

in this opinion of the gentleman from Massachusetts. They show their idea to be that, as to cotton at least, "agriculture without a market" may be an inconvenience. We indeed believe that their fears are most groundless in supposing that domestic manufactures are to lessen the demand for cotton. We believe the exactly reverse effect to be most inevitable. But they are clearly right in insisting that a defect of market must be certainly hurtful. For, beyond all doubt, those who purchase abroad, without the means of payment abroad, must suffer every description of pecuniary vexation.

Now, in one case, without descending into the odious particulars of misfortune, I would ask whether any one imagines that such reduction of almost all the means of decent living, as is shown by our commercial records, can fall upon such multitudes of people, without oppression? An oppression, the more intolerable, because it is produced solely by the policy of our own Government. The victims of it have not, since the close of the war, ceased to petition. They complain that the only surplus products they can have to dispose of are shut out from foreign markets, particularly by the very countries whose manufactures we consume. They show that our own country has, within itself, all the means of producing these manufactures, without paying for them one cent of tribute to foreigners; and that, if the policy of our Government should be only so far changed as to secure to them the privilege of supplying with provisions and with the raw materials, the workmen employed in the fabrication of articles which they, the agriculturists of our country, themselves consume, they might be relieved from their present absolute exhaustion, and be enabled to enjoy, in part, at least, the prosperity they were accustomed to during the general war in Europe. They show that, to protect manufactures, is to protect agriculture, and that protection, to answer any valuable purpose to the country, must be a liberal and bold protection, placing our manufactures not only beyond the reach of foreign competition, but beyond the fears of it. They show that they ask nothing new, nothing visionary or untried. And they prove, by the invariable examples of nations, that the dependence of any country, exclusively, upon its own agricultural and manufacturing industry, is the sure beaten high road to private wealth and national power. With these complaints, and these proofs, suffering, for years together, distresses produced solely by the national policy, which, under any other than a Republican Government, might create an insurrection; these petitioners, coming here, the only place where relief can be had, are, it seems, to be told, "Honest friends, you have altogether mistaken your case; we see you are worn to the bone, sure enough; but it all comes out of your independent banks and your stop-laws." Thus, with much gravity, it is to be attempted to make us believe that the plain and palpable consequences of the distress

of the country, are not the consequences, but the causes of it. Worse than all that—we are to be consoled with scraps from the metaphysical books of the economists, and it seems an experiment is to be made upon our understandings, whether we are composed of exactly that sort of stuff as to think ourselves fully compensated for the severest extremity of actual poverty, by imaginary and metaphysical relief, and by the abacadabra of "let us alone," and "get rich by making nothing, selling nothing, but buying where you can buy cheapest."

The matter and substance of the remarks upon our application for relief, have not been much helped by the manner, as far as respects the observation of one gentleman—I mean the gentleman from South Carolina, (Mr. HAMILTON.) Some of those observations I did not hear. The gentleman from South Carolina, no doubt, believed me to be present. I ought to have been present. The truth is, when the gentleman from South Carolina came to a part of his speech in which he seemed to be commencing a dissertation upon the useful and sublime discoveries of the political economists, calling them, or some of them, immortal, &c., thinking I had heard all these matters before, I concluded nothing would be lost by my going to the committee-room upon some committee business, and stayed, perhaps, longer than I intended. The gentleman from South Carolina charged the Committee of Manufactures, very directly, with gross ignorance of their business; that the chairman of that committee had been repeatedly convicted of gross ignorance. I mention this matter because it is connected with something more material, and not for the sake of any personal complaint. Besides, the gentleman from South Carolina has already explained that part of his observations. It is proper to take this occasion to say, that the Committee of Manufactures have not yet made pretensions to any superior learning. As to myself, I know, perhaps, better than the gentleman from South Carolina, my own inadequacy to this station. It is a station which was not sought for, nor wished for, by me. It certainly found me very unprepared. Much was to be learned; and, no doubt, much yet remains unlearned. But my humility goes no further. It is not admitted that the great cause of domestic industry has suffered from any insufficiency of the Committee of Manufactures. It was their business to know our own laws upon the subject, and all the changes before made in them; also to know from what countries and in what quantities we draw our supply of manufactured articles; to know, also, how they can be paid for, and what commodities of this country are prohibited or permitted to be sent in return; and to know, further, the capacity or incapacity of the several parts of our own country to furnish a supply for our own population.

As to the persons who have attended the Committee of Manufactures, on the invitation

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

of the committee, or without invitation, it is due to them and to us to say, that they have all been citizens of our country, and gentlemen of good appearance and good credit. And it may be further said, that among the few of them who had any particular interest and manufacture of their own to promote, there has been scarcely one who has not gone away disappointed.

There is one objection to this bill, which seems to require peculiar notice; an objection that has been most vehemently pressed upon us by gentlemen here, and by memorials and publications without number; the destruction of commerce and the navy. Not in this House, to be sure, have the friends of domestic manufactures been directly charged with the intention and design of destroying trade and commerce; it is only contended that such destruction must be the certain effect. But out of doors our opponents are not quite so generous. There, we are represented as a rustic, envious, malignant, and unprincipled combination, making agriculture and manufactures a mere pretence for the ruin of trade and the navy. It is degrading to plead not guilty to such a charge, but the falsehood of it must be shown.

The late war was a war for commerce only. It was not provoked by any injury but to our trade and to our people connected with, and in pursuit of, trade and navigation. Our territory was not touched—our citizens on shore were not molested. That able paper of the declaration of war mentions, for its causes, no outrages but those to commerce and seamen, except the miserable business of John Henry, which, in very doubtful and indefinite language, appears to have been stuck in by way of amendment. The sections of our country, always foremost and unanimous in asking protection for domestic industry, and here assailed as enemies to foreign trade, suffered their full share of whatever there was of hardship or disaster in that war for commerce. It will be admitted that, in paying taxes, in marching against the enemy, and here, by their representatives, they did never, for one moment, shrink from the conflict, in the darkest of times; and it is not extravagant to say that, under God, to the firmness of these people, now calumniated as the sordid malignant enemies of commercial wealth, does foreign commerce owe every solid, sure, and established right it now enjoys; and, from their devotion to the interests of the whole, their contempt for the low and selfish principles upon which this bill is opposed, does it come that we now have a flag that can protect foreign trade, and that we are not, abroad, the common plunder of the world.

Yet it would not have been surprising, in that war for commerce, on occasions of extreme gloom and disaster, which often happened, if some timid few, or some demagogue, anxious to get himself into Congress, by supplanting some of those who had voted for the war, had attempted to inflame the minds of

those people against such vexatious war, supported by their blood and their money, to revenge injuries done to foreign trade. But even that never happened, nor was the man found among them, who, at any time, would declare his willingness to give up the contest without securing the commercial rights for which it was entered into; and, since the war, they will be found to have adhered to the same principles of attachment to the commercial interest. No matter how *their* requests have been received; no matter from what selfish motives *their* interests have been disregarded, if, from the whole immense agricultural population that now demands a tariff of protection, a single vote, in the House, can be found to have been given against any plan for extending or protecting foreign commerce, or against building ships, or providing naval materials, or sending embassies to promote trade, or squadrons to the Pacific Ocean or Mediterranean Sea, or any other sea, or any other of the immense expenses of foreign trade, let that vote be produced, and, as far as it goes, let it be set down to enmity to commerce—but I believe no such vote can be found.

Does any gentleman imagine that our people who sustained that commercial war with such steadiness and spirit, did so in pursuance of doctrines such as we have here now? or dreaming that, in case of success, they themselves were to be excluded from every possible benefit of it? or, after exerting themselves to the utmost, and risking every thing, they should come to the merchant, reinstated in their rights by their aid and their fidelity, with their hemp, their iron, and their lead, and say to him, "We have no customers but you. If we raise grain, we have no market for it. There is nothing we can sell but the things we have here;" and be told by the merchant, "True; your hemp is water-rotted and strong; your iron is tough, and good for cannon and anchors and shipbolts; but it is all country make. And, friends, you don't understand the new light of political economy—it is only when you come in the capacity of purchasers that we can deal with you. We employ the workmen and farmers of England, Wales, and Russia, and we think, in the long run, we can save something to ourselves by it. You have never read Adam Smith. Every man for himself, is the only thing for the country. Here it is in the book. In this way we enrich ourselves, as we know; and we make the nation rich, as the book shows. No monopoly, no restriction, except in our favor. Let us alone, until another war. When the doctrine of Algiers comes next into fashion, with the naval powers of Europe, or any one of them, you may then have just so much interest in navigation, as to pay taxes, and do the fighting for it." Surely no manufacturing or agricultural man, in that war for commerce, could have been slave and fool enough to contend in the cause, had he imagined that there was no community of in-

terests in this nation; no advantage by commerce but to the merchant; no helping of each other; or, if he had foreseen, what has since actually happened, that the very peace and commerce contended for, with such profusion of money and of blood, should, with the exception of some trifle of profit to a handful of merchants, produce, after all, nothing but prosperity to foreign nations, and chiefly to Great Britain, with whom we contended, and nothing but destruction and death to three-fourths of the agricultural, grain-raising, and manufacturing interests of our own country.

There is one species of commerce which we avow ourselves opposed to. It is that which is employed in bringing from abroad, for our consumption, those common necessities of life which we can produce at home, lead, glass, iron, hemp, and at least one-half our present supply of imported cotton and woollen goods. And here arises a dispute with the advocates of commerce. We say we are beggared and undone by these importations—that the nations which send them to us will not take in return any thing we have to spare. We say, that, to make all these things at home, will take nothing from us but grain and things which we at present know not what to do with; while we are utterly exhausted by buying them from foreigners. The men of commerce contend, that, to supply us with these articles, is one of their perquisites. They claim it as a right, not, as they say, altogether for their own profit, but because the commercial interests of the country and the Navy in a great measure depend upon it. Now examine the case, and see if this trade of importation of goods ought to be upheld for the benefit of the merchant, or for any other purpose. First, the very freight, the benefit so much talked of, is not confined exclusively to our own citizens, nor to our own ships. About one-eighth or one-seventh of the importations which such a clamor is made about the profits of, are by foreigners, in foreign ships, and this even in time of peace. In times of war with any naval power, even that miserable advantage of freight will certainly go, almost entirely, with the rest of the profits, to foreigners. Even if it could be secured entirely to our own merchants, it would be no sort of indemnity for the evils of the trade. Observe, I speak only of those things which we may have made at home, of our own materials. But, if made at home, there is no freight or profit to the importer. He seems to think it very reasonable that we should agree to pay one hundred dollars to foreigners, in order that he may gain a profit of ten dollars, or fifteen. On this head, let it be remembered, that it has been often said, and never, as I know, denied, that more than half of all the importations of manufactures from Europe, are by foreigners themselves, directly on their own account, and vended here by themselves or their agents. From that fact the true nature of all this alarm about the trade and the Navy of the country

may be understood. So far from agreeing that the naval power of the country depends upon the consumption of foreign goods in preference to the domestic, I contend that all we hear about the destruction of trade and the Navy, by checking the importation of dry goods, means nothing more than the diminishing the profits of the importer. Are we to believe that these merchants are seriously apprehensive only for navigation and the navy? Why, sir, it has been during this very session of Congress, that the deplorable case of our sperm whale fishery has been presented to us; the noblest nursery and school of the noblest seamen perhaps on the globe, comprising, two years ago, 142 ships, and 8,100 seamen—a quantity of tonnage double or thrice that employed in the trade of importing all the woollen and linen goods, and cutlery, and hemp, and lead, and glass, and leghorn hats, that we get from Europe; and a body of men perhaps combining a greater mass of nautical skill, hardihood of body and mind, devotion to country, discipline, self-command, and obedience, than was brought into action on both sides, in the battle of the Nile—all now dwindling, perishing, on the point of extinction. But has any one ever heard of any Chamber of Commerce, or any merchants, or any of their advocates, interfering with us, or anywhere else, in favor of this perishing whale-fishery?—they, who can snuff danger a mile off, to the navy and to the navigation, when it threatens to stop the importation of a yard of calico, or a hob nail: and who, almost before the bill for the protection of domestic industry can be printed, are here with their remonstrances. I complain not of the merchants. They wish us to import the necessities of life, instead of making them at home. They are right; for, by it, they gain their freight and profit. They wish to go far for our supply, and they are right; for the farther they go, the less chance there is of competition, and the greater the chance of profit. Hence, all that outcry, some years ago, against the protection of domestic cottons, and the exclusion of cheap muslins from the East Indies. I repeat it, the merchants are right. They act just as Providence intended they should act, taking care of their own interest, and adhering to that solely. They were created for this purpose, and all very good. There is no possible harm in it; because Providence intended also to give to the men of the land sense enough to take some little care of themselves, and, when they are the immense majority of a nation, not suffer themselves to be made beggars in order to make nobles of a few merchants; not suffer all their resources to be exhausted in paying for foreign goods, that the merchant may be enriched by the profits of transporting them.

I pray, then, that we may have an end to this charge of hostility to commerce; there is not solidity enough in it for a congregation from the wharves of a city. To import the

April, 1824.]

The Tariff Bill.

[H. OF R.]

necessaries of life, which may be produced at home, is not commerce; it is the worst abuse of commerce; it is to be the victim of commerce. We declare ourselves to be the friends of commerce, when we profess ourselves the friends of industry on shore; they may consist together—indeed they may stand better together. We are not bound to choose between them; if we were, I should say that the land is our home, and not the sea. I should say that internal wealth and manufacturing industry can of themselves create commerce. Without them commerce is precarious; liable to total destruction in the first war with any first, second, or third-rate naval power of Europe. With them commerce is imperishable. Sink every ship, public and private, in the ocean—with domestic industry, and freedom from foreign tribute, we can be able, in less than five years' time, to replace them all. But why rely on argument? I repeat it, we have experience to go by, and the actual fact that every commercial nation in Europe, without exception, is prosperous exactly in proportion to the vigilance with which it protects its own manufacturing industry, by excluding the foreign, and puts down this spurious, pernicious commerce of importation of manufactured goods. As to the island of Great Britain, the first commercial country of the world, everybody knows that not only her wealth, but her salvation, is supposed to depend upon her naval power and her commerce, both of which it has been her aim for ages to promote. If any interest predominates in that country, it is the commercial interest. Yet no temptation of cheapness, no employment or encouragement of shipping or seamen, no argument of the political economists, has ever induced her for one day, since her naval ascendancy, to permit the importation of any article for domestic use which domestic industry could possibly be made to produce. France, probably the second naval power of Europe, follows the same policy with the same success. So other countries; and from their examples, and from the contrary examples of weak and miserable nations, we may learn and may know, that to employ commerce to supersede home manufacture, by the importation of foreign goods, is ultimately as destructive to the naval power as it is to the domestic industry of a country.

It is apprehended that the encouragement of domestic industry will injure the public revenue. We admit that our present revenue is derived chiefly from the duties on importations. Yet I trust it will be admitted on the other side, that the consumption of foreign goods is not the only means of raising the revenue. And further, I trust, it will be admitted, that while the nation exists, and while our people are wealthy and prosperous, there never can be a want of revenue to support the credit or defence of the country. There must be taxes. The question is only as to the preferable mode of taxation. The tax on imported manufactures

is paid by the people, the consumers. It is said to be a concealed tax, and therefore paid willingly. Let it be that it is paid willingly. I deny that it is paid ignorantly. Now, then, let us in a few words, with an eye constantly to the bill before us, examine the soundness of this policy, which is contended for with such gravity by some, and with such heat by others, of importing, for the sake of revenue, manufactures from abroad which we are capable of producing at home. For that portion of woollen and cotton goods, hempen and linen goods, iron, hemp, lead, glass, and Leghorn hats, now imported from abroad, and which will be excluded and supplied by domestic industry, if this bill becomes a law, we now pay to foreigners, say ten millions of dollars a year. These articles, on their importation, afford, on the average, to the revenue, a tax, say of twenty-five per cent. This tax is paid by the people of the country, the consumers of the goods. It amounts to \$2,500,000; which sum goes into the public treasury. Clearly, the people of the country not only pay this tax, but in paying it they have also to pay the prices of the articles, the ten millions of dollars original purchase money. They must pay, also, the importer's profits, the merchant's profits, the freight, the insurance—not, probably, less, altogether, than twenty-five per cent. on the \$12,500,000. So that, in advancing to the public treasury the sum of \$3,500,000, our citizens actually pay the sum of \$15,625,000; ten millions of dollars of which sum, as far as respects ourselves, might as well be sunk in the ocean—perhaps better—for it goes, perhaps, to rivals; perhaps to enemies. At any rate, our citizen, contributing by this sort of assessment to the support of his Government, for every one dollar he pays to his own country, has four dollars to pay to foreign industry. But, worse than any thing yet mentioned in this mode of raising revenue, is the circumstance that, with respect to the greatest proportion of the people, who pay this \$15,625,000, in order to place \$3,500,000 in the treasury, so far are they from getting the slightest incidental advantage from this mode of supporting their Government, that, by it, they only drive their neighbors, the manufacturers, into idleness and beggary, and deprive themselves of the only possible market they can have for their agricultural productions. And this is the very popular mode of taxation spoken of. Sir, if there is, among our countrymen, such fanatical blindness, as to prefer to pay their taxes in this way, I do not know where it exists.

The gentleman from New York, (Mr. CAMBRELENG,) in opposing this bill, has asked, "Do you not see the angry war-clouds gathering in the South?" As if the probability, or even the possibility of war, was not of itself the strongest reason; and even if there was no other, was not of itself a sufficient reason for our encouragement of domestic manufactures, and dependence upon our own industry. Whether

H. OF R.]

The Tariff Bill.

[APRIL, 1834.]

we regard the revenue necessary for carrying on war, and the inconvenience and danger of stopping it at the time it is most wanted, or any other of the resources demanded for carrying it on; or the loss and confusion which attends the sudden interruption of our usual supply of manufactures,—it is very clear that domestic industry is more wanted for war than for peace.

There is a matter which, as it has been already discussed, I shall advert to very briefly. It is said the passage of this bill will be peculiarly injurious to those portions of the country whose staple article is cotton. Let it be remembered that it has been asserted (and though denied, the denial has not been supported by fact or argument or probability) that the protection allowed by this bill, to the different interests comprehended in it, is not so high nor so complete, generally, as the protection by the existing law to the cotton grower of a duty of three cents per pound on the imported article. And further, it has been said with great truth, that no article better deserves to be protected; and that there is no portion of our agricultural industry, nor scarcely any portion of our manufacturing industry, that requires a larger protection. The consumption of cotton in our country is at present immense. With a due encouragement of our own manufactures, it must be next to incalculable. Those manufactures must afford a certain market—it ought to be the *greatest* market—it *will* be the greatest market.

I speak the opinions of men practically acquainted with the whole subject, when I say that, with what is called free trade, our cultivators of cotton must be undersold by other nations; and their reasons appear conclusive; that it is an article which, in some other countries, has but lately began to be cultivated, with the greatest success; and that nearly all countries where it is raised, are possessed of advantages in almost every respect superior to ours; that they have generally a better soil; that the greater rigor of our climate in winter, makes the clothing of slaves in our country much more expensive—while the greater lenity with which they are treated, a lenity produced by our laws or our manners, makes their labor less profitable to the master. So that all parts of our country, those most unanimously opposed to this bill owe the most, and must continue to owe the most to the system of protection. If protection is a tax for the benefit of those protected, that tax is imposed for the benefit of the cotton grower: rightly, I say. And if an increase shall be required to effect the full purpose, I am for increasing it. But I am not for stopping there, but for giving, upon the same principles, a just and equal protection to domestic industry wherever else it may be wanted, so as to secure at least our own markets for the productions of our own country.

The question was then put, and decided by yeas and nays, as follows:

YEAS.—Messrs. Alexander of Virginia, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Blair, Brent, Buchanan, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Farrelly, Floyd, Forsyth, Frost, Fuller, Garrison, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hooks, Houston, Isaacs, Kent, Kremer, Lee, Leftwich, Lincoln, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Matson, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Richards, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of S. Carolina—101.

NAYS.—Messrs. Adams, Allen of Massachusetts, Allison, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buck, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Cook, Crafts, Craig, Duxie, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Findlay, Foot of Connecticut, Forward, Harris, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Lathrop, Lawrence, Letcher, Litchfield, Little, Livermore, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—99.

So the House concurred with the Committee of the Whole, in reducing the minimum on woollens from 80 to 40 cents.

And then the House adjourned.

THURSDAY, April 8.

A new member, to wit, JOHN TALLAFERRO, in place of William Lee Ball, of Virginia, deceased, appeared, was qualified, and took his seat.

The Tariff.

The question was taken on agreeing to the second amendment, and decided in the affirmative without a division.

The House then proceeded to the third amendment, which is, to strike out the words "printing types" from the class of twenty-five per cent. ad valorem duties. This amendment was agreed to.

The fourth amendment proposes to insert, in the eighty-seventh line, the following: "On all

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

ingrain carpets or carpeting, twenty-five cents per square yard."

The fifth amendment proposes to insert, "on oil-cloth carpeting, and on oil-cloths of every description, a duty of thirty per centum ad valorem."

With these two amendments, the clause reads as follows:

"On Brussels, Venetian, Turkey, and Wilton carpet and carpeting, fifty cents per square yard; on all ingrain carpets or carpeting, twenty-five cents per square yard. On all other kinds of carpets and carpeting of wool, flax, hemp, cotton, or parts of either, twenty cents per square yard; on oil cloth carpeting, and on oil cloths of every description, a duty of thirty per centum ad valorem."

Both these amendments were agreed to, the first without a division, and the latter by a vote of ayes 99, noes 72.

The question then recurring on the House's agreeing to the report of the Committee of the Whole in that amendment of the bill which reduces the minimum on woollen goods from eighty to forty cents the square yard—

Mr. McDUFFIE, of South Carolina, rose and delivered his sentiments, at length, in favor of agreeing.

Mr. CUTHBERT, of Georgia, and Mr. LIVINGSTON, of Louisiana, followed on the same side.

The debate was further continued by Messrs. LIVERMORE of New Hampshire, McLANE of Delaware, and TON of Pennsylvania, in opposition to agreeing with the committee; and by Messrs. LIVINGSTON of Louisiana, WEBSTER of Massachusetts, COBB of Georgia, MERCER of Virginia, RANDOLPH of Virginia, and P. P. BARBOUR of Virginia, in favor.

Mr. RANDOLPH expressed his surprise that the votaries of humanity—persons who could not sleep, such was their distress of mind at the very existence of negro slavery—should persist in pressing a measure, the effect of which was to aggravate the misery of that unhappy condition, whether viewed in reference to the slave or to his master—if he were a man possessing a single spark of humanity—for, what could be more pitiable than the situation of a man who had every desire to clothe his negroes comfortably, but who was absolutely prohibited from so doing by legislative enactment? He hoped that none of those who wished to enhance to the poor slave (or, what was the same thing, to his master) the price of his annual blanket, and of his sordid suit of coarse, but to him comfortable woollen cloth, would ever travel through the Southern country to spy out the nakedness, if not of the land, of the cultivators of the soil. It was notorious that the profits of slave labor had been, for a long time, on the decrease, and that, on a fair average, it scarcely reimbursed the expense of the slave, including the helpless ones whether from infancy or age. The words of Patrick Henry, in the Convention of Virginia, still rung in his ears: "They may liberate every one of your slaves. The Con-

gress possess the power and will exercise it." Now, sir, the first step towards this consummation, so devoutly wished by many, is to pass such laws as may yet still further diminish the pittance which their labor yields to their unfortunate masters. To produce such a state of things as will insure, in case the slave shall not elope from his master—his master will run away from him. Sir, the blindness, as it appears to me—I hope gentlemen will pardon the expression—with which a certain quarter of this country—I allude particularly to the seaboard of South Carolina and Georgia—has lent its aid to increase the powers of the General Government on points—to say the least, of doubtful construction—fills me with astonishment and dismay. And I look forward, almost without a ray of hope, to the time which the next census, or that which succeeds it, will assuredly bring forth—when this work of destruction and devastation is to commence in the abused name of humanity and religion—and when the imploring eyes of some will be, as now, turned towards another body, in the vain hope that it may arrest the evil and stay the plague.

The question was finally taken, and the House refused to agree in reducing the minimum to forty cents—yeas 101, nays 104.

And then the House adjourned.

FRIDAY, April 9.

The Tariff Bill.

Mr. Buchanan, of Pennsylvania, spoke as follows:

Mr. Speaker, it is not my design to enter into a discussion of the general principles of the bill now before the House. Although I am fully prepared to do so, yet time has become so precious, and so much has already been said upon the subject, that I have abandoned any such intention.

I will, however, take the liberty of asking the committee to attend to some observations which I shall make, in reply to that part of the argument of the gentleman from Massachusetts (Mr. WEBSTER) which related to hemp and iron. The reasons which that gentleman urged, with great ability and zeal, against an additional duty upon these articles, were, that much injury would result from it to the manufacture of ships and to the navigation of the country. In the course of his remarks, he alleged that our navigation had been left dependent upon its own resources, without any protection from Government; that it was in a depressed and declining condition; to use his own phrase, that it was barely able to keep its head above water; and that the weight which this bill would bring to bear upon it, by the additional imposts on hemp and iron, might destroy it, or, to repeat the gentleman's words, might be the last ounce which would break the camel's back. As a consequence from all

these observations, he inferred that the Navy was in danger of destruction.

In opposition to this argument, I trust I shall be able to show, conclusively, that no branches of domestic industry have ever been cherished by the legislation of this country with as much care as those of ship-building and navigation; that both these branches, although they have suffered in the general depression of the country, are now in a more prosperous condition than any other portion of domestic industry; and that they are perfectly able, and ought to be willing, to bear the additional duty upon hemp and iron proposed by this bill, even if it should amount to what the gentleman supposes. If, said Mr. B., I can establish these positions, it will result as a necessary inference, that our Navy is in no danger from the measure now under consideration.

Sir, said Mr. B., it is fortunate that the first congress which sat under the Federal Constitution, when they came to legislate upon the navigating interest of the country, were not guided by the principles which we have so often heard reiterated in this Hall. They did not belong to that school of politicians whose principal dogmas are, "Let trade regulate itself;" "Let not legislation attempt to divert industry or capital from the channels in which they are flowing into other branches." On the contrary, they believed that the manufacture of ships, and their navigation, were interests which required legislative protection, and they afforded it in the most effectual manner.

The third act which ever passed the Congress of the United States was that of the 20th July, 1789, imposing duties on tonnage. It was afterwards repealed by the act of the 20th July, 1790; which, however, re-enacted in substance the same provisions. Whilst these acts declare that ships or vessels of the United States, arriving from any foreign port or place, shall pay a duty of only six cents per ton upon each entry, they enact that all other ships or vessels shall pay a duty of fifty cents per ton, except those built within the United States and belonging to foreigners, which shall pay thirty cents per ton. The legislative protection afforded by these acts, to that portion of our tonnage employed in the coasting trade and in the fisheries, was of a still more decisive character. Whilst ships or vessels of the United States, engaged in these pursuits, paid a duty of but six cents per ton, in each year, those "not of the United States" paid fifty cents per ton upon each entry.

In addition to these discriminating duties upon tonnage, in favor of our own citizens, the act of the 10th August, 1790, added 10 per cent. to the rates of duties imposed, "in respect to all goods, wares, and merchandise which shall be imported in ships or vessels not of the United States."

What, Mr. Speaker, was the effect of this legislative protection upon our tonnage and

navigation? Let Mr. Pitkin and Dr. Seybert answer this question. Mr. Pitkin, in his View, declares that—

"These extra charges on the navigation and commerce of foreign nations were sufficient to drive from our ports the greatest proportion of the foreign tonnage. All foreign nations were affected by the system we had adopted in favor of the ship-owners in the United States. The diminution of the foreign tonnage employed in our trade was, with very few exceptions, rapid, regular, and permanent."

Dr. Seybert, in his Statistical Annals, bears the same testimony. He states that—

"Our discriminations operated powerfully in favor of our shipping. Vessels not of the United States, of 200 tons burden, on entering our ports, paid £20 tonnage duty, and for a cargo of the value of £2,000, they paid £15, extra duty, more than did the vessels of the United States, of the same tonnage, and laden as aforesaid. These extra charges were sufficient to drive from our ports the greatest proportion of the foreign tonnage. All foreign nations were affected by the system we had adopted; it seemed to operate like magic in favor of the ship-owners in the United States. The diminution of the foreign tonnage employed in our trade was, with very few exceptions, rapid, regular, and permanent."

I will freely acknowledge, said Mr. B., that the wars in Europe, and our neutral condition, by placing within our reach a large portion of the carrying trade of other nations, assisted these discriminating duties in producing their effect upon our navigation, with such astonishing rapidity. Dr. Seybert states, that "in 1789, our shipping was not sufficient for the transportation of the domestic produce of the States; one-third of that which was then employed for that purpose belonged to foreigners;" and that "in 1798, our tonnage exceeded that of every other nation, except Great Britain."

These discriminating duties, and the unexampled increase of our tonnage, alarmed the Government of Great Britain. They dreaded the rapid progress of our navigation, and made it a primary object to check its augmentation. For this purpose, they proposed, in the year 1791, "that British ships trading to the ports of the United States, should be there treated with respect to the duties of tonnage and impost, in like manner as ships of the United States should be treated in the ports of Great Britain." By this means, they expected to crush our navigation in its infancy. They well knew, if they could persuade our Government to cast it, at that period of its existence, upon the ocean, without protection, they would obtain what they so ardently desired—a monopoly of our trade. They were convinced, that our navigation could not then endure a competition with the long-established navigation of Great Britain.

The statesmen of that day, thanks be to Providence, did not act upon the modern fashionable doctrines of political economy. They refused to accept this offer of a reciprocity of trade be-

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

tween the two countries, which Great Britain had made. They did not adopt the principle, that trade should regulate itself. No, Mr. Speaker, they cherished and nourished our navigation in its infancy, by protecting duties; and, in this manner, infused into it such energy and vigor, that it can now fearlessly go forth, and, upon equal terms, challenge competition with the world. The same kind of protection will produce the same effect upon the manufactories which this bill proposes to encourage.

Dr. Seybert informs us, that these discriminating duties on tonnage and imports alarmed the British merchants and ship-owners. That was a most favorable omen. In this particular, I can congratulate the advocates of the present bill that they are equally fortunate. Every British merchant, every British agent, and every vender of British goods, within the United States, have taken the alarm. Should this bill pass, they know that the day is not far distant, when they shall cease to drain from us our wealth, and to enrich themselves and the British manufacturers, at our expense.

The House have distinctly perceived the effect of these discriminating duties upon the foreign tonnage of the United States. Their operation upon that employed in the coasting trade was still more decisive. In this trade, the voyages from port to port in the United States being, comparatively speaking, but short, the burden of fifty cents per ton, upon every entry, imposed upon foreign vessels, was so onerous, that, in its effect, it soon amounted to an absolute prohibition. In this manner our own navigation was virtually put in the exclusive possession of that important branch of our commerce, long before the act of 1817 declared "That no goods, wares, or merchandise, shall be imported, under penalty of forfeiture thereof, from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign power."

It is manifest, therefore, that these acts of Congress went much further in protecting our navigation against foreign competition, than the bill now before the House contemplates going, in regard to any branch of our agriculture or manufactures. And yet the representatives of the navigating interests of this House, not only complain that it has been left dependent upon its own resources, without any protection from Government; but they are the first and loudest in resisting the moderate encouragement which this bill proposes to other branches of domestic industry. Is this grateful? Is it generous? Is it just?

Here, Mr. Speaker, it may be necessary to show in what manner the acts of Congress, to which I have referred, gave our ship-builders protection. It will be found that the statesmen, by whom they were enacted, had a proper idea of the importance of encouraging the manufacture of ships; and, I trust, those of the present day are not so degenerate, that they need to be

reminded of it by the toasts of a Prime Minister of England, which the gentleman from Massachusetts (Mr. WEBSTER) has thought fit to repeat for our edification.

We have seen that these discriminating duties upon imports and tonnage, in favor of our own citizens, were confined in their operation to "ships or vessels of the United States." To constitute "a ship or vessel of the United States," it is necessary not only that it should be owned by a citizen or citizens thereof, but that it should have been built within the same. This is a general rule, to which I know of but two exceptions—the one in favor of vessels captured by our citizens from the enemy, and declared to be lawful prize, and the other of vessels condemned for a breach of the revenue laws. There never was a time in the history of the United States when an American merchant could purchase from a foreign ship-builder a vessel built in a foreign country, and have her so naturalized under our laws as to free her from the imposition of these discriminating duties. Of consequence, the domestic manufacture of ships was as completely protected by these regulations against foreign competition as was our navigation. The ship-builder and navigator moved hand in hand. The same encouragement was afforded to both, and the same success attended that encouragement. We are now able to manufacture ships much cheaper, as I shall show hereafter, than they can in Great Britain.

Let us now pause for a moment, and reflect what would have been the present condition of our ship-building and navigation, had the same system of policy been pursued in relation to these important interests, which gentlemen now wish to pursue towards our domestic manufactures. England, our great rival, possessed tonnage in abundance, capital, and skill. It was both her interest and her inclination to overwhelm our rising navigation. The struggle would have been between the vigor of manhood and the feebleness of infancy. Our navigation, without protection, must have been crushed. It then stood in the same relation to British navigation, that our infant manufactures do at present towards the long existing establishments of a similar nature in Great Britain.

The very same arguments which the navigating interests have used against this bill, might have been urged in opposition to the discriminating duties for their protection. The agriculturists, who had produce to be transported to a foreign market, might have argued that, if freight could be procured at a cheaper rate in an English than in an American vessel, they had a right to this advantage; that these discriminating duties were bounties, paid by the great mass of the people to the navigating interest, and, therefore, they should not be imposed. The shipping-merchants might have said, Let us buy where we can buy the cheapest, and sell where we can sell the dearest. If it be for our advantage, permit us, without the payment of discriminating duties, to purchase our ships in

foreign countries. Government should not, by legislation, divert capital from other branches into ship-building and navigation. Whenever it shall be for the interest of individuals to employ it in this manner, it will be so employed; and then, and not till then, will it be the interest of the nation.

The true answer to all the suggestions of this nature, which might have been urged against our discriminating duties, and have been used against the present bill, is, that a wise nation, like a wise individual, should be willing to suffer a trifling temporary inconvenience in the beginning, that it may attain a great permanent good in the end. Should you plant and nourish those domestic manufactures only, which are congenial to your country, and of which you possess the raw material in abundance; if, in their infancy, you shield them, by protecting duties, against destruction from foreign competition and foreign capital; although, for a short time, the price may be enhanced to the consumer, yet, before long, it will be reduced below that of the foreign article. Our experience with respect to coarse cotton goods completely justifies this remark.

But, upon the present occasion, we should be governed by higher considerations than these. I would vote for this bill upon the same principle that I would for the erection of a necessary fortification or the building of a navy. Are not the woollen and the cotton manufactures necessary to our independence? Is a nation perfectly independent, without clothing for its people, without iron, and without hemp? Is it either patriotic or wise to rely for the means of defence upon foreign nations, when we possess them in abundance within ourselves?

In the days of peace, whilst those nations are all desirous of pouring their manufactures upon us, and of exhausting our wealth for their aggrandizement, we shall experience no difficulty in obtaining supplies. But, let the clouds of war lower over our heads, let the nation be deprived of its foreign supplies, and cast upon its own energies for its defence, and what will then be our condition? The events of the late war, within the recollection of every gentleman on this floor, afford the best answer to this question. If there ever was a nation which should have been taught wisdom on this subject, by the lessons of experience, it is our own.

But, Mr. Speaker, I have been wandering from that portion of the subject to which I promised I would confine myself, into the general principles of the bill. The best apology which I can make for this digression is to return to it immediately.

I admit, said Mr. B., that the navigating interest, in common with the other great interests of the country, suffered considerable depression in consequence of the general peace in Europe. I deny, however, that this depression was at all in proportion with that experienced either by agriculture or manufactures. During the long period in which the nations of Europe were in-

involved in war, we had a large portion of the carrying trade of the world. The general pacification terminated this profitable branch of commerce, and left our navigating interests dependent upon its own resources, and those of the country. It will be found, however, upon examination, that, notwithstanding the disadvantages against which it had to contend, the Government and the people of the United States sustained it in this crisis. It has always been the favorite of our legislation.

The American tonnage, employed in foreign trade, which entered the ports of the United States, during the year ending the last day of September, 1823, was 775,271 tons. This is greater than it has been in any year ending on the last day of December, since 1811, except the years 1816, 1817, 1819, and 1820. It is nearly 5,000 tons less than in 1817; but it is above 20,000 tons more than in 1818, and upwards of 5,000 tons more than in 1821. The House will understand that I am now speaking of the tonnage which paid duties. It will at once be perceived, that this is greater than our actual foreign tonnage, inasmuch as the same vessel may, and often does, pay duty more than once in a year. If, however, we look at the actual registered tonnage of the United States, engaged in foreign trade, the prospect is equally cheering. It has been gradually increasing for several years. I hold a statement of it in my hand, from 1816 up till 1822, both inclusive; from which it appears that, in 1822, it amounted to 628,150 tons. In 1818, it had been 606,088. Between these two periods, its increase was 22,062 tons. Although, from this statement, it appears that, in 1816, it was 800,759 tons, in 1817, 809,724 tons, and that, in 1818, it was suddenly reduced to 606,088 tons, yet this is not a true state of the case. The Register of the Treasury has certified that this sudden decrease arose "principally from the registered tonnage having been corrected in 1818, by striking off all the vessels, the registers of which were granted prior to the year 1815, and which were supposed by the collectors to have been lost at sea, captured," &c.

Whilst the present state of our foreign tonnage presents nothing calculated to produce despondence, the condition of that employed in our coasting trade is flourishing beyond example. It has been increasing gradually and rapidly ever since the adoption of the Federal Constitution. In 1816 it amounted to 522,164 tons. In 1823 it was 624,188 tons. Thus, it appears that, in the short space of six years, it increased more than 100,000 tons. The same quantity of tonnage, in this trade, affords employment to a much greater number of sailors than in the foreign trade; and the actual tonnage engaged in each is now about equal.

This branch of our commerce must grow with our growth, and strengthen with our strength. Human foresight cannot calculate its future extent or advantages, should it be directed by a wise system of policy. The territory of this

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

nation is so vast, and its capacities for the production and manufacture of almost every article of necessity or luxury are so extensive, that nearly all our mutual wants will, at no very distant day, be supplied by a free and unrestricted commerce with each other. Besides, this trade will be a powerful means of perpetuating our Union. Providence, by rendering the different portions of our country dependent upon each other, has laid the foundations of that intercourse which will bind us together by the adamant bonds of mutual interest and affection.

Sir, said Mr. B., it must strike every person with astonishment, who examines this subject, that our foreign tonnage has not been greatly diminished since the general pacification of Europe. How has this interest been able to support itself at its present amount, notwithstanding the loss of the foreign carrying trade? I answer, by the aid of Governmental protection; and, although this allegation may be at variance with that of the gentleman from Massachusetts, (Mr. WEBSTER,) I hold myself bound to prove it.

In the year 1815 the United States, believing her marine to have acquired sufficient strength and vigor to sustain a competition upon equal terms against the world, proposed to all nations a fair reciprocity of trade. By the act of the 8d of March of that year, we declared that we would admit into our ports the vessels of every nation, carrying articles the produce or manufacture of such nation, without levying any other tonnage or impost duty than was levied on American vessels; provided such nation would admit into their ports American vessels, laden with American produce or manufactures, without imposing any impost or tonnage duty beyond that which was paid by their own vessels. On the 8d July, 1815, the United States concluded a commercial convention with Great Britain, founded upon these principles, so far as respected our trade with her territories in Europe; but her possessions in the West Indies, and on the continent of North America, were expressly excluded from its operation.

The British Government, after the general peace in Europe, determined to adhere rigidly to their colonial system, so far as their own navigation was concerned. Although they were willing that there should be a direct trade between the United States and their West Indian and North American colonies, yet they insisted that it should be carried on by their own vessels. The ports of these colonies were therefore closed against American vessels, and they were entirely excluded from any participation in the trade.

What portion of our citizens was injured by the exclusion of American tonnage from these ports? It was not the farmer, who had corn and flour, nor the planter, who had tobacco, nor the merchant, who had lumber, to be transported to market. To them it was a matter of no importance, whether these articles

were carried to the West Indies in an English or an American vessel. In either case, they could be exchanged for the same quantity of rum, sugar, or molasses. It was the navigating interest alone, which was directly injured by this regulation. No other class of society had any concern in the question, except that general one, which every good citizen ought to feel in protecting the useful establishments of his country. Our navigating interest petitioned Congress for relief. What was the consequence? For their benefit, we conceived the bold design of compelling Great Britain to abandon her colonial system, and to break those fetters in which she had for ages bound this portion of her trade. On the 18th April, 1818, the Congress of the United States passed a law, declaring that "the ports of the United States shall be and remain closed against every vessel owned wholly or in part by a subject or subjects of His Britannic Majesty, coming or arriving from any port or place in a colony or territory of His Britannic Majesty, that is or shall be, by the ordinary laws of navigation and trade, closed against vessels owned by citizens of the United States." The provisions of this act were considerably extended by those of the supplementary act of the 15th May, 1820.

What, then, were the weapons with which we commenced this great undertaking? For its accomplishment, we depended altogether upon the patience and patriotism of our people. The contest was, whether our citizens interested in the trade with the British colonies, or those colonies, could the longest, and with the most fortitude, endure its destruction. How much those citizens suffered, for the benefit of the navigation of the country, will appear from the very able memorial from Norfolk, which was presented during the first session of the last Congress. The memorialists urged the repeal of these acts. They stated their conviction, that the attempt to compel Great Britain to abandon her colonial system was altogether hopeless; as she had "often and openly avowed her determination not to abandon it but with her existence." They declared that, under the operation of the existing laws, their farmers, their merchants, their dealers in timber and lumber, in fact all classes of their citizens were deprived, in a great measure, of their former resources, and were, many of them, burdened with debts which they were unable to pay. This picture, drawn by the inhabitants of Norfolk, of their sufferings for the benefit of our navigation, is applicable to every other part of the Union interested in the trade with the British West Indies.

The spirit of the country, however, nobly sustained its navigation in this contest. The great agricultural interest stood unmoved. They were willing to suffer for the benefit of the ship-owners. Congress refused to repeal these acts.

Our bold policy finally triumphed, and, on the 24th June, 1822, an act of the British Parlia-

ment repealed their colonial system in favor of the United States, and opened their ports in the West Indies and North America to vessels belonging to our citizens. And yet, notwithstanding, the navigating interest complain that they have been left unprotected by the Government to struggle against the world.

Here, said Mr. B., I will take leave to remark, that I was astonished to hear it alleged by the gentleman from Massachusetts, (Mr. WEBSTER,) that this concession, made by the British Government in favor of our navigation, was an evidence that they were departing from their restrictive system. No, sir; if it proves any thing, it is the efficiency of this system. This concession was extorted from them by the adoption of our countervailing restrictions, and is strong testimony in favor of the power of that policy, when properly exercised, to obtain justice from foreign nations. However much English statesmen may talk about the new doctrine of the freedom of trade, they take care to act, in every case of importance, upon their old principles. It is, therefore, not improbable, that the scraps of speeches made by my Lord Liverpool, and others, which the gentleman from Massachusetts (Mr. WEBSTER) has collected and read to this House, have found their way to the very market for which they were intended. Should this bill be defeated at the present session, as I trust it will not, I have no doubt but that we shall have a fresh supply of the same articles imported before the next session of Congress. In Great Britain they dread nothing more than the adoption by our country of that system, which the Speaker has aptly styled the American policy. Rest assured, sir, they will leave no means untried to defeat it.

I will mention one other example to show with what care, and at what expense to the other interests of the country, this Government has fostered, and I admit wisely, its navigation. France, immediately after she had extricated herself from the long wars in which she had been involved, devoted herself to the cultivation of the arts of peace. Among other things, she immediately directed her attention towards her marine. She was anxious to obtain the exclusive privilege of carrying those of our productions which she used in her manufactures. For this purpose she established discriminating duties in favor of cotton, tobacco, and potashes, imported in her own vessels, which are equivalent to a tonnage duty of from \$18 to \$21 per ton. The navigating interest of the United States took the alarm, and memorialized Congress upon the subject. To that interest Congress never lent a deaf ear. On the 15th of May, 1820, an act passed, which imposed a countervailing duty of \$18 per ton, upon all French vessels entering the ports of the United States. The consequence of this measure was the suspension, in a great degree, of the direct trade between this country and France. That profitable branch of our commerce was at once

sacrificed to promote the interests of our navigation. The House will readily perceive to what degree that portion of the citizens of the United States, who had commodities to be carried to market in France, must have suffered under the operation of this system. They, however, suffered without murmuring; because they knew that their misfortunes were intended to benefit that class of their fellow-citizens concerned in navigation.

Our countervailing duties on French tonnage produced the desired effect. On the 24th June, 1822, the very day on which the British Parliament opened their colonial ports to our vessels, the convention with France was concluded, which placed our carrying trade with that country upon a fair and reciprocal basis.

From this brief history, we have learned that the patience and patriotism of the people of this country have obtained for their foreign navigation a signal triumph over both England and France; and have opened new and profitable avenues for its enterprise. And yet the Representatives of that interest upon this floor, complain loudly that it has been left unprotected. They make this complaint in the face of a system of legislation in its favor, which is unparalleled in the annals of the country in regard to any other object. The Government watched over its infancy with parental care, and afforded it protection against foreign rivals, whilst such protection was necessary. When it had attained sufficient vigor to fear no rival—when a fair competition with all nations was that which it most desired, the Government obtained for it this important advantage. Now, when it is in a prosperous situation, having got every thing which it asked, it is the first to cry out against affording a comparatively trifling protection to other branches of American industry. Is this gratitude? Is it even-handed justice? Is it doing unto others as you would they should do unto you?

I shall now proceed to prove, that the navigation of the country is perfectly able to bear the additional duty upon hemp and iron proposed in the bill, as reported by the Committee on Manufactures. In order to establish this position, it will not be necessary to add much to what I have already said. For the sake of the argument, I shall suppose, with the gentleman from Massachusetts, (Mr. WEBSTER,) that the small additional duties upon these articles will be permanent additional burdens to that amount imposed upon our navigation. Even under this view of the subject, that interest is able to bear them; and considering what has been done for it by the country, ought to bear them for the common good, without a murmur.

The House, I feel certain, will understand, I do not admit that these additional duties will continue to be additional burdens upon the navigating interest. On the contrary, I firmly believe that the domestic competition which must necessarily spring up under this protec-

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

tion, will, in a few years, reduce the price both of hemp and of iron.

These additional duties cannot injure the tonnage employed in our coasting trade. This portion of our navigation, which, in 1822, was nearly equal to that engaged in foreign trade, and which must increase rapidly, has no competition to dread. It enjoys a monopoly. It will, therefore, sustain no loss in consequence of the additional duties, because, in proportion as you enhance the price of the vessel, you will increase the freight. The case might be different, if foreign competition were not altogether excluded. Would it not, then, be just, that this portion of our tonnage should be compelled to use the hemp and iron of our own production, even at an advanced price? We have established a prohibitory system in its favor—should not, then, the same rule be adopted in favor of our farmers and manufacturers, at least so far as respects the hemp and iron necessary in the construction and repair of the vessels which it employs? The bill before the House, however, instead of proceeding thus far, only imposes a small additional duty upon these articles, and yet it has been denounced, as though it would prostrate the navigation of the country.

I admit, said Mr. B., that our foreign tonnage must enter into competition with the world, and, therefore, it stands upon a different basis from that employed in our coasting trade. Under these circumstances, can it endure the proposed additional duties? I answer boldly in the affirmative. The gentleman from Massachusetts (Mr. WEBSTER) has stated, that all the materials of ship-building, except the timber, are cheaper in England than in this country.

This may be, and no doubt is the case. But is not timber the chief, and by far the most expensive material in the construction of a ship? In England they are compelled to purchase this article in foreign countries, and to pay the heavy expense of its transportation; whilst we possess it in abundance at home. The consequence is, that a ship of the same tonnage may be built much cheaper in this country than in England. We have the testimony of the Mercantile Society of New York to this effect. The Committee of Manufactures, before they reported their bill to this House in January, 1821, addressed certain questions to the Society, two of which, with their answers, I will take leave to read to the House:

“Question. What is the cost of a British ship of say 300 tons? What of an American of the same force and burden; and, generally, the difference in the price of shipping, by the ton, in each country completely equipped?”

Answer. A British ship of 300 tons, equipped for sea, will cost \$24,000, or \$80 per ton. An American ship of the same quality, will cost \$18,000, or \$60 per ton.

Question. The quantity of iron and cordage to the 100 tons of shipping?

Answer. It will require four tons of iron, 1,500 lbs.

of copper bolts, 4½ tons cordage, and 20 bolts of duck to the 100 tons.”

In answer to another question, the same Society state, that “foreign vessels would not have a preference, in our ports, over American built vessels, unless at a reduction in freight of 25 per cent., or advantages equivalent, at the port of destination.”

Thus, it appears that the additional duty of \$7 50 per ton, proposed upon iron by the bill, as reported, on a ship of 300 tons burden, would amount only to \$90, and that upon hemp would be equal to about \$200. How, then, sir, can this additional duty of \$290 upon a ship of 300 tons, seriously injure, much less destroy, our navigation? Is it possible we can, in the slightest degree, be alarmed by such a clamor, when we consider that a vessel of this description now costs, in England, our great rival in navigation, \$6,000 more than it does in our country?

It has been urged, by the gentleman from Massachusetts, (Mr. WEBSTER,) against the proposed additional duties on hemp and iron, that if a sufficient quantity of these articles to supply the domestic demand, were produced in this country, that our navigating interest would lose their freight from Russia and Sweden. Sir, said Mr. B., has it come to this? Shall we be compelled to purchase articles in foreign countries for no other reason but to increase the employment for our navigation? Are all the other interests of the country to be sacrificed, that the welfare of this one may be promoted? I trust not. It appears to me that the bare statement of this argument is its best refutation. We are asked to buy hemp and iron from foreigners—we are called upon to transport our wealth to distant countries to pay for these articles—and for what reason? Not that we cannot produce them in abundance for ourselves; not that we need them; but simply because the favored class of our citizens concerned in navigation want to enjoy the advantages resulting from their carriage. You must, sir, purchase the merchandise, that they may receive the freight. I am glad the gentleman has come out boldly and avowed this position.

After what I have already said, it will be necessary I should add a few words only, concerning the Navy; because it is manifest that it cannot be injured by the additional duties upon hemp and iron, if I have taken a correct view of their operation upon our ship-building and our navigation. I feel myself constrained, however, to make one or two observations on this subject.

I am a sincere friend to the Navy. One of the earliest political maxims impressed upon my mind was, that it would be our most safe and natural bulwark against foreign invasion. This opinion has been confirmed by the victories which it achieved during the late war—victories which have equally covered both itself and the nation with glory. I would, therefore,

warn its true friends to have a care how they introduce it into every debate upon the subject of this tariff. Like all the other institutions of this country, it must depend, for its support, upon public opinion. Withdraw that from it, and it must and will sink. Are those gentlemen, then, its genuine friends who wield it as the chief weapon of opposition against the present bill?

If, whenever any measure calculated to promote the domestic industry of the country, and to benefit its landed interest, shall be introduced into Congress, the cry is resounded, that it cannot be adopted, because thereby you may injure the Navy; the people will at last begin to believe that there is something incompatible between their prosperity and its existence. If they shall at any time be impressed with this conviction, which I trust in God they never may, but to which the course of argument that has been pursued by the enemies of this bill directly leads, its swift destruction will be the inevitable consequence. The people will not continue to sustain an institution which they have been taught to believe stands as a perpetual barrier against the adoption of any system, calculated to encourage the agriculture and manufactures of the country, and for the promotion of whose glory their own welfare must be the sacrifice. The Navy has nothing to fear except from such friends and from itself. Recent events have alarmed its true friends with serious apprehensions that it has become intoxicated with prosperity, and has been relaxing in discipline. If, at this moment, when such impressions are abroad throughout the land, it shall be made the instrument by which this bill shall be defeated, and you should pass the one now on your table creating a magnificent establishment of vice admirals and rear admirals, the consequence may be justly dreaded. Should these measures not shake its standing in the opinion of the people, I confess for one I shall be disappointed. Thanking the House for their attention, I shall not trouble them longer upon the subject, having already said much more than I intended when I rose.

When Mr. BUCHANAN had taken his seat—

Mr. STEWART, of Pennsylvania, rose, and spoke at large in favor of the bill, and in reply to Messrs. WEBSTER, McDUFFIE, and HAMILTON; and when he concluded, the question was taken by yeas and nays, at a quarter before four o'clock, when the House agreed to the reduction—yeas 120, nays 85.

A motion to adjourn was then made, and carried—ayes 102, noes 90.

So the House adjourned.

SATURDAY, April 10.

United States Purchases of Land for Federal Purposes within the States.

The House proceeded to consider the resolution submitted by Mr. WARFIELD on the 6th

instant; and the same being modified, was agreed to, as follows:

Resolved, That the President of the United States be requested to cause to be submitted to this House a statement of the several purchases of real estate in behalf of the United States, within the territorial limits of any State, since the 4th day of July, 1776, for public purposes, in pursuance of any act of Congress, or by any department or officer of the General Government, denoting in each case the particular authority under which each purchase was made; its date, and the end or use for which it was effected; the nature of the estate thereby acquired; and the person or persons by whom and to whom such estate was conveyed; together with the fact whether such purchase was or was not accompanied with the express consent of the State of whose territory such real estate constituted a part; and in the former case whether any, and if any, what special jurisdiction accompanied the cession or conveyance.

The Tariff Bill.

The unfinished business of yesterday, being the further consideration of the amendments agreed to in Committee of the Whole, to the bill "to amend the several acts for imposing duties on imports," was again taken up.

The question being put on concurring in the insertion of the following clause: "On all other fire arms, and on side arms, 30 per cent. *ad valorem*." Mr. RANDOLPH said he could not consent that the people should be taxed, even if it were but a penny or two a pound upon tea, without knowing who taxed them; he, therefore, called for the yeas and nays upon the question. The yeas and nays were accordingly taken—yeas 123, nays 59.

So the amendment was concurred in.

Several other amendments, to reduce the proposed duty on scythes, to strike out the duty on fowling-pieces, drawing-knives, &c., were agreed to.

Frying Pans.

On the amendment which proposes to strike out the duty of 25 cents each on frying pans, and insert four cents per pound, as the duty, Mr. RANDOLPH said this also was a tax on the people, and he must call for the yeas and nays upon it. A short discussion took place upon the propriety of this amendment, between Messrs. McDUFFIE, TON, CAMBRELENG, and SHARPE. The question was then taken, and decided by yeas 168, nays 25.

So this amendment, also, was concurred in.

The several amendments, proposing to strike out the duty on griddles and gridirons, on indigo, and on Prussian blue, and to increase the duty on Epsom salts from three to four cents per lb., and to insert a duty on rape seed oil, were severally agreed to.

The question being put on concurring in the insertion of the clause, "On molasses ten cents per gallon," was decided by yeas 65, nays 132.

So this amendment was rejected.

APRIL, 1824.]

The Tariff Bill—Woolens.

[H. OF R.]

The next amendment, proposing to strike out the second section of the bill, which provides that "in all cases whatsoever, all articles composed or mixed of various materials, shall pay the highest duty to which articles manufactured from any of such materials are subject," was agreed to.

The amendment proposing to strike out the third section of the bill, which provides that there shall be added to the duty imposed on any article the amount of bounty or premium allowed on that article, in the country from which the same is exported, was decided by yeas 144, nays 58.

So this amendment was concurred in.

The question was then taken on the amendment, proposing a new section to the bill, to allow a drawback on silk goods, which may have been unpacked for the purpose of dyeing, staining, printing, or cleansing them from stains, &c., the same as if they had not been so unpacked, passed in the affirmative.

The amendment adopted in Committee of the Whole, specifying the different duties on wines, was then taken up. Some remarks were made upon this subject by Messrs. WRIGHT and McKIM.

Mr. McKIM moved to amend the amendment by inserting "Burgundy, Champagne, Rhenish, and Tokay," as subject to the same duty as is imposed on Madeira wine, say 70 cents per gallon. This was agreed to.

The same member moved to exempt from the operation of the amendment such Spanish wines as were not enumerated in it, so as to leave them subject to the duty already imposed; which was agreed to.

The same member, also, moved to reduce the proposed duty on "Fayal and all other wines from the Western Islands," from 40 to 30 cents per gallon. This was not agreed to.

He then moved to reduce the proposed duty on Malaga wine from 30 to 25 cents per gallon; which was also disagreed to.

He then moved to strike out "50 per cent. ad valorem," as the duty to be imposed on "Claret wines, and all other wines not before enumerated, in bottles," and insert in lieu thereof "30 cents per gallon." This was opposed by Messrs. WEBSTER and MILLER, and supported by Mr. McKIM. It was not adopted.

Mr. Foor, of Connecticut, moved to strike out the clause imposing a duty on Claret and Malaga wines. The amendment was not adopted.

Mr. FORSYTH then moved to amend the amendment by striking it out, and inserting a new section, imposing a duty of 50 per cent. ad valorem on all wines imported in bottles and cases; and on all wines imported otherwise than in bottles, 40 per cent.; provided that no duty on any wine shall ever exceed 100 cents per gallon. This was advocated by the mover, and opposed by Messrs. WEBSTER and POINSETT. It was not agreed to.

The question was then taken upon concurring

in the amendment as agreed to in Committee of the Whole as amended by the House, and was decided by yeas 66, nays 126.

So the amendment was rejected.

Mr. TOD then moved to amend the bill by adding to the clause which now reads thus: "On cotton bagging four and a half cents per square yard," the words, "until the 30th day of June next, and six cents per square yard after that time." This amendment was supported by Messrs. TOD, COOK, LETCHER, and WRIGHT, and opposed by Messrs. BRENT, COBB, OWEN, and McDUFFIE.

The question on the motion of Mr. TOD was decided by yeas 97, nays 99.

So the motion of Mr. TOD was rejected.

The House then adjourned to Monday next.

WEDNESDAY, April 12.

Water to the President's House, and the Executive Offices.

Mr. CONNER laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to cause to be laid before this House a detailed account of the manner in which the \$9,125 have been disbursed, which was appropriated by the act of the 3d of March, 1819, for purchasing a lot of land, and for constructing pipes for supplying the Executive offices and President's house with water. Also, a detailed account of the manner in which the \$10,000 have been expended, which was appropriated by the act of the 30th of April, 1818, for graduating and improving the President's square.

The Tariff Bill—Woolens.

The House then passed to the unfinished business of yesterday, which was the consideration of the Tariff bill, when—

Mr. RICH moved to strike out the minimum valuation (of forty cents per yard) on woolens, and to insert, after the words "on all manufactures of wool, or of which wool shall be a component part, a duty of thirty per cent. ad valorem, until June 30th, 1825, and after that time a duty of thirty-three and one-third per cent. ad valorem," the following words: "until June 30, 1826, and after that time a duty of thirty-seven and a half per cent. ad valorem."

Mr. McKIM advocated the amendment in a few observations.

Mr. Foor, of Connecticut, addressed the Chair as follows:

Mr. Speaker: A distinguished member, to whom I shall not now allude, for reasons which will be well understood, but whose arguments will not plead privilege, in the Committee of the Whole, has told us, "That the great leading policy of this Government must be changed;" "that a new system must be adopted;" "that we must become a great manufacturing nation;" that the people of these United States must no longer be permitted to pursue the occupations of their own choice, or employ their capital and

their industry in those pursuits to which their own good judgment, or their natural advantages, their education, and their skill, are best adapted; but the farmer must leave his plough, and the sailor his ship, and the merchant his counting house, and be immured within the walls of large manufacturing establishments; that your agriculture and your commerce must become tributary to manufactures; that agriculture, the mother, and commerce, the elder sister, must be sacrificed to the ambition of manufactures, the younger sister, the miss in her teens. This is the new, this is the grand system of policy, which you propose to force upon the good people of these United States.

Sir, you will soon find your impotence and your weakness in this attempt. The people are yet your masters, although you may think them your slaves. Before you can effect this great change in the leading policy of the country, you must first make the people slaves. I am well aware, if you could carry your new system of policy into full and complete effect, the people would soon become slaves; the genius and spirit of your Government would be entirely changed; the equal distribution of property, on which alone a free government can long exist, and the independent spirit of our hardy yeomanry, would soon be destroyed; your Government changed into a purse-proud aristocracy, and your population become lords and tenants.

But this you cannot effect. Any attempt to force the people of these States into this silk-worm policy, by the magic power of your tariff bills, will prove abortive. Their habits are too deeply rooted. The great variety and fertility of soil, the immense extent of territory, and the ocean which washes nearly three thousand miles of your coast; the majestic navigable rivers which, like the grand arteries in the human body, flow from the heart of your country to the ocean, speak a language which cannot be misunderstood, and never will be disobeyed; you must, and will, be a great agricultural and commercial nation, in spite of all your legislation.

You may, by your restrictions, embarrass and fetter their enterprise for a short period; you may legislate them into adversity, but it is impossible to legislate a people into prosperity.

The greatest degree of national and individual wealth is obtained by permitting labor, skill, and capital, to find their own employment and investment unshackled, and encourage a free and unrestricted trade. Every attempt of Government to direct or regulate the employment of capital, or enterprise, is mischievous. The only object of a wise Government should be, to remove obstructions to the free use of capital and industry. The politicians of Great Britain have become sensible of the truth of this position, and are receding from the system of arbitrary dictation and restrictions, and shall we now plunge into it? Shall we, at this time,

put on the tattered garments of an exploded policy?

The power to regulate commerce was never designed to authorize its destruction, or prescribe its channels. It may be, and often is, necessary to suspend it by embargo, for a time, as the most efficient mode of protection; but the interests of agriculture or manufactures cannot be improved by continued restrictions on commerce.

What will be the effect of imposing heavy duties on the produce and manufactures of other countries, but retaliation, by similar, or perhaps even higher duties on our productions in their ports, which will drive us entirely from their markets, and turn the channel of their trade to other countries, for those supplies which we can furnish in abundance? And, while we are destroying our commerce, in the wretched attempt to foster our manufactures by law, Europe will monopolize the whole trade with the South American States, and we shall find, to our cost, that there is no foreign market for our manufactures, which have been nursed with so much care in this hot-bed system; but we must be compelled to use our own manufactures, and agriculture must pay the increased price, and make up the deficiency in our revenue, while the produce, as well of agriculture as manufactures, will be confined to home consumption. I ask, will this increase your wealth and your independence? Will this furnish a market for your surplus produce? Will this encourage domestic industry?

Commerce has afforded you about \$400,000,000 of revenue! Will your manufacturers, without a foreign market, be able to supply the deficit of duty on imports? Can you collect twenty millions of dollars annually from manufactures, even if you could transform all your hardy seamen and farmers into spinners and weavers? Your manufacturing interest generally, even now, is less depressed than your agriculture and commerce, when skilfully and prudently managed. What stronger evidence of this fact can there be, than that manufacturing capital is rapidly increasing? You have already afforded protection to this branch of industry, equal to nearly 40 per cent. on the cost of your fabrics; and if, with this bounty, they cannot compete with foreign manufactures, at home, I think it would puzzle the ingenuity of that gentleman, aided by the whole host of professional gentlemen, to show how our manufactures are to find a fair competition in foreign markets, when you add to the original cost the freight and insurance to a foreign market.

In our country, sir, every branch of lawful industry is entitled to an equal portion of your fostering care, and has a right to demand equal protection from the Government. Your tariff bill, by taxing one interest for the encouragement of another, operates as a bounty, which lays every other interest under contribution for the support of the manufacturer, and, is, therefore, unequal and unjust; it taxes the many for

APRIL, 1824.]

The Tariff Bill—Woolens.

[H. OF R.]

the support of a few. As a general principle, the perfect freedom of trade or commerce, which is the interchange of commodities, should never be restricted or burdened, except for the necessary purpose of revenue, in the benefits of which every portion of the community is interested; and by universal consent, every well-regulated Government has resorted to it.

The policy of England, which the gentleman has taken as a model for his new American policy, is quoted by the advocates of this bill to prove its utility, and the necessity of adopting this new system of political economy.

Sir, it is much to be regretted that this subject is not better understood. Her wisest statesmen deprecate that policy, to which they have been driven by necessity, in order to meet the enormous expenses incurred in her long-protracted continental wars. Her system of bounties, and drawbacks of excise, which some of our knowing ones seem to admire, and to consider as the true philosopher's stone, the magic wand which has produced her great wealth, is nothing but the miserable effect of her otherwise ruinous system of restriction; and the gentleman might have found the table of the British Parliament groaning under the petitions of her suffering subjects, painting in colors equally glowing with his own description of imaginary distress in this happy country, and signed by ten times the number of half-starved victims which have been obtained by hawking petitions about our country for signatures. Her system is a mere opiate to relieve extreme distress—a dose of poisonous or noxious drugs to counteract a raging disease, and the temporary relief, afforded by this violent remedy, has been mistaken by some of our political doctors as evidence of perfect health in the body politic.

I cannot, I will not believe that the zealous admirers of British policy; the warm advocates of this wonderful tariff bill—this patent medicine, which is to cure all diseases, really intended to hazard the operation of this “nostrum” as a mere experiment upon the healthy, youthful, and vigorous constitution of our infant country, merely to test its effects; that they mean to produce disease merely to show their skill in curing the patient. No, sir; gentlemen, in my humble opinion, have been deceived by the visionary dreams of pamphleteers and political quacks, who have inundated this country with their “specifics” and “nostrums;” who have conjured up imaginary scenes of distress, borrowed, perhaps, from novels, or the effusions of a fervid imagination in painting scenes of distress in other countries to which we are total strangers; or, perhaps, merely for the mercenary purpose of finding a catch-penny market for their books, by the relation of horrid tales, made up to frighten old women or credulous children:—like the story of the “Jersey dancers, who were represented as having danced their feet off to the fiddle of the Arch Deceiver, and were left dancing on the stumps of their legs after the feet were worn off.”

I ask any member of this committee if he has seen any such picture of extreme distress in this country? A gentleman from Pennsylvania, (Mr. Brown,) on the subject of iron, indeed, told us, he had seen a sheriff hovering about his iron works, and probably, the iron was hot; but I did not understand him to say that any of the owners or workmen were starving for want of bread; or that there was any insurrection or rebellion against the laws; or that the bloody scenes of Manchester were exhibited in the State founded by the peaceful Penn.

That the golden days of our prosperity have continued unclouded to the present time, no one will claim. The whole civilized world has received a shock by the sudden transition from a state of universal war to universal peace. The best remedy is repose; universal languor and lassitude is the natural effect which is uniformly produced by violent exercise, and unusual excitement in the human body, and rest and quiet repose are indispensable to restore the system. Apply the same principle to the body politic, and its effects will be found equally salutary.

Every interest in our country is gradually recovering from the shock which has affected every class of our citizens; and if the officious interference of misguided legislation does not prevent it, our agriculture, commerce, and manufactures, will soon find their proper place on a peace establishment. Your tariff of 1816 was intended to afford relief to your manufactures. It did, like the British policy, afford a temporary relief; but its effects are still visible on our commerce, and sensibly affects and injures our agriculture; and, at this moment, and for more than three years past, has depressed our manufactures by restrictions imposed on our commerce. For, let me assure gentlemen, that manufactures can no more exist and flourish without commerce, than animal life can be sustained without air.

Agriculture is the first and noblest employment of man. On this we depend for subsistence. It is the mother of commerce, and all the useful arts. With the increase of population, commerce, or an interchange of commodities of necessity, springs into being, because the variety of soil and climate produces a variety of the fruits of the earth adapted to our conveniences and our wants, and manufactures of different kinds spontaneously grow up to meet the necessary demands of both agriculture and commerce. The mere exchange of commodities with our neighbors—the passing of an article from hand to hand, requires but little aid from manufactures; but the labor of many artists is required to build the ship to carry on commerce with foreign nations; and I believe I may safely say, that ship-building, at this moment, employs more native American citizens than all the manufactories of the country.

From this view of the subject, it must be clear, that any attempt to build up manufactures on any other foundation than agriculture

and commerce, or upon the ruins of either of these great interests, would be as absurd and preposterous as to attempt to build a house on a soap bubble. What has supported the manufactures of Great Britain—what the manufactures of India, but their commerce with the whole civilized world? The amount of supplies always has been, and always will be, regulated by the demand. Commerce is the great artery through which the blood flows to the extremities, which returns with supplies through the veins again to the heart, and gives life and energy to the whole system. It is truly the *vis vitalis* of the system.

The gentleman has told us there are two classes of politicians in this country—the one devoted to foreign policy, who would lay duties on imports only for the purpose of revenue, and has attempted to prove (with what success we shall probably see hereafter) that this policy actually encourages the industry and manufactures of foreign countries to the injury of our own. Sir, it would have been very gratifying to the committee, I presume, if the gentleman had told us what country had adopted this policy, except our own, previous to the tariff of 1816. The other class, to which he professes to belong, and which he is pleased to style the American policy, would adopt the system of restrictions and prohibitions which Bonaparte attempted to enforce against Great Britain, as the last desperate effort to distress his inveterate enemy, and which he then called the Continental Policy of Europe—a system of entire exclusion and prohibition of British manufactures on the Continent of Europe, while at the very same time, the boasted “Army of England,” as he then styled it, was clad in British manufactures. Spain, poor degraded Spain, has tried this same system of restrictions and prohibitions, until she has sunk from the lofty station which she once held in the scale of nations to her present condition, but a small remove from colonial vassalage. England, in time of war, has resorted to it, for the purpose of extorting from every class a heavy contribution. And now, sir, we are told this is the new discovered, true American policy—lay prohibitory duties on imports from foreign countries; destroy your commerce, which has furnished your whole revenue; prevent the export of any of your produce by prohibiting the import of any thing in return; prohibit any interchange of commodities with foreign nations: and all this to find a market for our surplus produce, and for our domestic manufactures!

The gentleman highly extols the British policy, (which he will claim as American,) because the enormous amount of taxes paid in England furnishes strong evidence of her prosperity and ability to pay! I strongly suspect the American people are not very ambitious of showing evidence of their prosperity in the same way, by the amount of taxes they can pay. Besides, sir, it will require a long course of instruction, and strong

argument, to convince us that the bloody scenes at Manchester among the starving manufacturers, or the famine and distress in Ireland, furnish the best evidences of prosperity and happiness, or induce our people to adopt their policy, or excite a wish to exchange conditions.

But, sir, in the same speech in which the gentleman has recommended the adoption of this system of encouraging manufactures by restrictions on commerce, he has, if I understood him correctly, declared himself “the firm friend of a free commerce, upon the principles of perfect reciprocity.” The propositions made by him, in committee, for the benefit of the whiskey trade, of an increased duty on molasses of 100 per cent., which must entirely destroy the trade with the West Indies, or impose a heavy tax on the laboring poor, I do not feel myself bound to reconcile with his argument.

The gentleman has expressed his extreme mortification, on looking at a book lately published in England, in which the writer states, “that Great Britain enjoys a more profitable trade with the United States, since their independence, than when they were colonies.” Sir, this would not be the first time in which particular and detached parts of a work have been quoted, in support of particular tenets, or preconceived opinions, if such were the case here; which, however, I will not believe was designed in this instance. But, sir, if the gentleman had read the whole work, in my opinion, he would have found stronger grounds for exultation and national pride, than for “mortification.” The writer has endeavored to reconcile the British nation to the loss of the colonies, by proving that she has enjoyed a better trade with us, as an independent nation, than she ever did, or ever could have enjoyed, if these United States had remained British colonies. He contrasts our present condition with that of the colonies; paints, in glowing colors, our prosperity; and recommends the entire abandonment of the colonial policy, and that Canada should become also independent, because she now costs the mother country more than she is worth.

The tariff of 1816, avowedly supported on the same principle of giving a spring to domestic industry, and encouraging our infant manufactures, as the present tariff bill, has been in full operation for seven years; and if the picture of distress so ably drawn by the gentleman, be a fair representation, we should suppose that gentlemen would be more disposed to abandon it, than to increase the evils, by extending this system of American policy. One petition, from Delaware, contains much useful instruction on this subject: “The duties on low-priced cottons, amounting nearly to prohibition, have created such competition in the manufacture of this article, it cannot be manufactured to a profit;” and they pray Congress to increase the duty on the finer cottons, for the purpose of turning some part of the capital now employed in coarse cottons to the manu-

APRIL, 1824.]

The Tariff Bill—Woolens.

[H. OF R.]

facture of fine cottons, or to some other employment. The only answer I can give this, is, if this has been the effect "in the green tree, what will be done in the dry?" While you still have some commerce remaining, and these coarse cottons find their way to South America, what will be the condition of these, and all other manufactures, when your commerce is destroyed?

Perhaps, sir, this should be called the American policy. It is the policy which has been adopted in our country, in relation to banks, which by this time must be tolerably well understood in some parts of our country. You now propose to adopt the same policy in relation to manufactures. Sir, in my opinion, call it by what name you will, it is a ruinous policy.

The gentleman tells us the present system operates unequally; some portions of the country suffer greater distress than others. And how does he propose to remedy this evil? By making the others suffer as much! Are we to engage in the unprofitable contest which can do the other most harm? Would it not be better to adopt a liberal system of policy, instead of further restrictions, and leave industry, enterprise, and capital, free from any unnecessary restraint? Each portion of the country would then prosper in proportion to their natural advantages, and their industry and economy.

The gentleman has endeavored to prove that our agriculture and commerce are languishing, by a paper calculation, showing that our exports have not increased in proportion to our population. Such a calculation is as deceptive as the estimates of the "balance of trade against us;" because we sold our produce in a foreign market, for more than it cost at home, which was much relied on by the friends of a former tariff, but seems now to be abandoned. If the labor of one man is capable of producing sustenance for one hundred, does it follow, that if our population has increased ten-fold, that the foreign demand must increase in the same ratio?

But, sir, we have been told that our commerce is already destroyed, and therefore this bill cannot injure it. But does your receipts from imports prove this? From whence do you derive twenty millions of dollars revenue? It is true, your agriculture and your commerce languish, even more than your manufactures; every interest is in some degree depressed; and what is the cause? It is necessary to ascertain the true cause to enable you to apply the proper remedies. Several causes have combined to produce this result. The enjoyment of the whole carrying trade for the belligerents of Europe, during the long Continental war, from the commencement of the French revolution until the jealousy of Great Britain towards our rising commerce, and the inveterate hostility of France against England, produced the famous Orders in Council and French decrees, which almost swept our commerce from the ocean, and which produced on our part the adoption

of the restrictive system of embargo and non-intercourse, and finally of war with Great Britain, had induced our citizens to engage deeply in commerce. From the year 1790 to 1805, this country enjoyed uninterrupted prosperity; perhaps no nation on earth ever increased so rapidly in wealth; our commerce literally covered the ocean, and our flag waved over every sea. Our surplus agricultural products found a ready market, and industry received a rich reward; we feasted and fattened on the distresses of others.

In this situation the war of 1812 found us. The immense amount of capital which had been employed in commerce, readily found a profitable investment in manufactures, and during the short period of war received a profit fully equal to its previous investment—the enormous price of our own manufactures lured the cupidity of avarice to vest a large amount of capital in large manufacturing establishments. The sudden and unexpected peace of 1815 found many of these establishments just commencing; extensive and very expensive buildings had been erected; and the cost of machinery in many instances had absorbed the whole capital, and the speculator depended on the promised profits, in a very short period, to reimburse the expense, and convert this temporary loan into active, solid capital; and in the mean time the farmer found a ready market for his produce. But the peace blasted the fond hopes of the speculator, and destroyed the home market for the produce of the agriculturist.

Under these circumstances, strong appeals were made to Congress for relief; and the tariff of 1816 was the remedy prescribed by the wisdom of Congress; it had its effect in affording a temporary relief; but here, sir, in my humble opinion, commenced the error in our system. I would ask the candid attention of every sound politician to this point: If, at the time of adopting the tariff of 1816, the internal duties had been continued for one year, and the tariff limited to two years, whether many of the present evils would not have been avoided? Your manufactures had been nursed in a hot-bed; they had sprung into existence as if by magic; they were tender plants, and should have been exposed carefully to the open air. But your tariff induced further investments, which the fate of this country and the state of the world would not warrant; but they were built on your tariff alone, and you still hold out further inducements to manufacturing capital, by the continual promise of further legislative aid, while your foreign commerce, and of course your agricultural interests, are languishing under your restrictive system; and with your manufacturing interest, if you pursue this American policy, will constantly become more and more embarrassed, as you increase manufactures, while at the same time you are gradually destroying their market by your restrictions on trade.

Your export trade was much diminished by your tariff; the surplus produce of your agriculture perished on your hands, or sold at one-fourth of its former value; individuals were in debt; your country was in debt; and the general distress increased rather than diminished, under your restrictive system. In this state of adversity, you flew to remedies poorly calculated to afford relief; you incorporated banks, with the delusive hope of increasing your wealth by the issue of a flood of paper money, without reflecting that the mere increase of a circulating medium, instead of increasing your stock of wealth, only increases your distress, by raising the price of your produce in your own market, so high as to prevent a fair competition with others in a foreign market; and while you have been engaged in devising ways and means to restore prosperity, your foreign customers have been driven to other sources for the supply of the articles, which have been perishing on our hands, and which would have found a ready market, but for the system of policy to which you have resorted in vain for relief.

During the three years succeeding the treaty of peace, your agriculture and your commerce were at the lowest state of depression, while your manufactures were supported by a contribution levied on these great interests for their support. During the last four years, manufacturers have felt the evils of the system under which agriculture and commerce had suffered for three years, under the accumulated pressure of hard times, and the burdens imposed on them to sustain the manufacturing interest, but still more by the influx of foreign goods forced through your auctions. Yes, sir, by the importation of fabrics of a very inferior quality—woollen goods manufactured like sheathing paper, neither spun nor wove, but merely pasted together, the remnants of old garments, picked up and manufactured with as little expense as paper, and through the medium of your auction brought into competition with your manufactures, subject to no charges, except, perhaps, a small *ad valorem* duty and one-fourth of one per cent. commission to the auctioneer. In this way the foreign manufacturer has been enabled to compete with your American manufactures, and almost entirely destroy the manufactures of coarse woollen goods. This evil may easily be remedied by your auction bill now on your table, and by the minimum in the bill now under consideration, without any essential injury to either your agriculture or your commerce.

But, sir, another case of embarrassment begins to be felt, and is complained of in a petition from the cotton manufacturers in Delaware. Competition in our own country, in the article of coarse cottons, which has distressed the manufacturers; and yet you propose to give the same encouragement to fine cottons and other manufactures, which have produced this evil, and which experience has proved injurious

to coarse cottons, under your prohibitory duties. Sir, the only relief which can be afforded in this case, is in a foreign market. But you seem determined to prevent the export to a foreign market, by laying such duties on imports of articles which do not affect your own manufactures, as will inevitably prevent exports; for trade can never exist but in an interchange of commodities. Will you still pursue this *ignis fatuus*, while your experience shows you its baneful effects?

The gentleman has called upon us to look at the petitions from every section of the country, and view the picture of general distress drawn up by the suffering citizens. Sir, I have examined these petitions, and have sought in vain for the picture of extreme distress which his warm imagination has painted. They state coolly and dispassionately, generally, that the great interests of the country are depressed; that industry does not receive the same liberal rewards as in former times; the manufacturers of the various articles of wool, cotton, iron, hemp, glass, &c., have stated the burdens and the pressure upon the particular articles, and appeal to the wisdom of Congress to provide some relief, if practicable. But, sir, if gentlemen will examine these petitions, and the sources from which they come, they will find that those sections of our country which have most manufacturing capital make the least complaint. Take, for instance, the six Eastern States, which, by the return of the amount of capital invested, or employed in manufactures in the several States, embraces about one-half of the whole amount employed in the whole country, while the population of these States comprises about one-sixth part of the whole population: from this whole section you do not find one-half as many petitions as from the State of New Jersey, or one-fourth as many as from Pennsylvania. Indeed, you find about as many remonstrating against your tariff bill, as of those who have appealed to your wisdom for relief, and very probably some of the same persons. After seeing the bill—for it does not appear probable that these petitioners ever expected such a remedy from the wisdom of Congress—where do you find a memorial praying Congress to impose additional duty on spirits and molasses? What petition can be found among the whole number, which asks you to change the great “leading policy,” by compelling the people to change their occupations? What petition calls on Congress to sacrifice either agriculture or commerce for the support of manufactures? Where is the petition from the farmers, which asks you to impose additional duty on wheat? On hemp? On flax? Or even on wool? I believe there is one which asks for a duty on potatoes. But, sir, I understand the people of that State (Maine) are not much in favor of your tariff, nor are their representatives among the strong supporters of this bill.

When Mr. Foot had concluded—

APRIL, 1824.]

The Tariff Bill—Sugar.

[H. OF R.]

Mr. BARBOUR suggested to the mover of this amendment to modify his proposition, by moving first to strike out the minimum, and then to increase the ad valorem duty, in order that those who were opposed to the minimum, might have an opportunity of voting so as to express that opinion, without, at the same time, voting to raise the duty.

Mr. RICH declined thus to modify his amendment.

The debate was further continued by Messrs. KEEMER, FOOT, and McDUFFIE. Mr. BARBOUR then declared that, as the gentleman from Vermont had refused the modification requested, he should vote against the amendment to strike out and insert, and if the question on that amendment should be decided in the negative, a motion would then be in order simply to strike out the minimum.

After some observations by Mr. MERCER, the question was then taken on Mr. RICH's motion, by yeas and nays, and decided in the affirmative—yeas 108, nays 97.

Sugar.

Mr. ALLEN, of Massachusetts, moved to insert, after the 180th line, the following: "On brown sugar two cents per pound, and on white or clayed sugar three cents per pound."

A debate took place, in which Messrs. ALLEN, BRENT, ROSS, WICKLIFFE, COOK, LIVINGSTON, McLANE of Delaware, and RANDOLPH, took part.

Mr. RANDOLPH said that if the House would lend him its attention for five minutes, he thought he could demonstrate that the argument of the gentleman from Delaware, in favor of the increased duty on brown sugar, was one of the most suicidal arguments that ever reared its spectral front in a deliberative assembly.

The gentleman objects to reducing the duty on sugar, because it will diminish the revenue, which he says we cannot dispense with—and yet he wishes to continue it as a bounty of three dollars per one hundred pounds, (not the long hundred of 112 lbs.) until the sugar planting and sugar manufacture should be extended, so as to supply the whole demand of our consumption. Then, what becomes of the revenue from sugar that we cannot dispense with? This is what I call a suicidal argument—it destroys itself.

But, we must not reduce the duty to what it stood at, only eight years ago, because it will injure the sale of the public lands. Yes, sir, the public lands! for which, sold or unsold, we never get paid. The gentleman would persuade us that we are under obligation to such purchasers as bought the sugar lands under the existing duty—and how many sugar estates have been established on lands bought of the public—and since the year 1816, too? Sir, this argument of obligation to tax ourselves, for the profit of these overgrown sugar-planters, will not hold water. It will not even hold cotton. —[Mr. TON'S reiterated motions to enhance the

tax on cotton bagging, had just succeeded by the Speaker's casting vote.] We are not to reduce the duty on sugar for fear of injuring the sale of the public lands, for which, although we may obtain nominal payment, we shall never receive one penny.

[Mr. McLANE, at the commencement of his reply, appearing to be much irritated, Mr. RANDOLPH rose and assured him that he intended not the slightest personal disrespect or offence—but Mr. McLANE went on to say that the gentleman from Virginia had displayed a good head—but he would not accept that gentleman's head, to be obliged to have his heart along with it.]

Mr. RANDOLPH replied.

It costs me nothing, sir, to say that I very much regret that the zeal which I have not only felt, but cherished, on the subject of laying taxes in a manner which, in my judgment, is inconsistent, not merely with the spirit, but the very letter of the constitution—should have given to my remarks, on this subject, a pungency which has rendered them disagreeable, and even offensive, to the gentleman from Delaware. For that gentleman I have never expressed any other sentiment but respect—I have never uttered, or entertained, an unkind feeling towards that gentleman, either in this House or elsewhere—nor do I now feel any such sentiment towards him—I never pressed my regard upon him—I press it upon no man. He appears to have considered my remarks as having a personal application to himself. I certainly did not intend to give them that direction, and I think that my prompt disclaimer of any such intention ought to have disarmed his resentment, however justly it may have been excited. He has been pleased, sir, to say something which, no doubt, he thinks very severe, about my head and my heart.

How easy, sir, would it be for me to reverse the gentleman's proposition, and to retort upon him, that I would not, in return, take that gentleman's heart, however good it may be, if obliged to take such a head into the bargain.

But, sir, I do not think this—I never thought it—and, therefore, I cannot be so ungenerous as to say it: for, Mr. Speaker, who made me a searcher of hearts?—of the heart of a fellow-man, a fellow-sinner? Sir, this is an awful subject! better suited to Friday or Sunday next, (Good Friday and Easter Sunday,) two of the most solemn days in the Christian calendar—when I hope we shall all consider it, and lay it to heart as we ought to do.

But, sir, I must still maintain that the argument of the gentleman is suicidal—he has fairly worked the equation, and one-half of his argument is a complete and conclusive answer to the other. And, sir, if I should ever be so unfortunate as, through inadvertence, or the heat of debate, to fall into such an error, I should, so far from being offended, feel myself under obligation to any gentleman who would expose its fallacy, even by ridicule—as fair a

weapon as any in the whole Parliamentary armory. I shall not go so far as to maintain, with my Lord Shaftesbury, that it is the unerring test of truth, whatever it may be of temper—but if it be proscribed as a weapon as unfair as it is confessedly powerful, what shall we say (I put it, sir, to you, and to the House) to the poisoned arrow?—to the tomahawk and the scalping-knife? Could the most unsparing use of ridicule justify a resort to these weapons? Was this a reason that the gentleman should sit in judgment on my heart?—yes, sir, *my* heart—which the gentleman, (whatever he may say,) in his heart, believes to be a frank heart, as I trust it is a brave heart. Sir, I dismiss the gentleman to his self-complacency—let him go—yes, sir, let him go—and thank his God that he is not as *this* publican.

A motion to adjourn was now made, and decided in the negative—ayes 89, noes 99.

And then the question on Mr. ALLEN's motion was taken by yeas and nays, and decided as follows: Yeas 89, noes 102.

So the motion was rejected.

Mr. LONG then moved to amend the bill, by reducing the duty on bolting cloths, from fifteen per cent. *ad valorem* to ten per cent. *ad valorem*. And the question thereon being stated, the House adjourned.

TUESDAY, April 18.

Money in the Hands of Prize Agents.

Mr. COCKE laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to inform this House what amount of money has been refunded to the Government by the several prize agents, since the 1st day of March, 1823, designating the amount paid by each agent, and when paid; what legal proceedings have been instituted against each delinquent agent, when instituted, and the present state of said proceedings; and whether the provisions of the joint resolution of Congress, approved March 8, 1823, have been enforced in all cases.

The Tariff Bill.

The House then passed to the unfinished business of yesterday, which was the motion of Mr. LONG, to reduce the duty on bolting cloths from fifteen to ten per cent. *ad valorem*. The question being taken, the proposed amendment was rejected.

Mr. MOORE, of Alabama, then moved the previous question on the bill, (which precludes all further amendment as well as debate.) The call was not sustained by the requisite number of members.

Mr. TON proposed, as an amendment, to add to the clause laying a duty on cotton bagging, the following words: "until the 30th day of June, 1825, and, afterwards, a duty of five and a half cents per square yard," the object being to lay on this article a duty of four and a half cents per yard until the 30th June, 1825, and,

after that date, of five and a half cents per square yard.

Mr. HAMILTON, of South Carolina, then moved the indefinite postponement of the bill.

At the request of Mr. LETCHER, of Kentucky, a call of the House was ordered—ayes 127.

The call having been ordered, and the clerk proceeding to call the absentees, the further proceedings in the call were suspended.

The question recurring on indefinite postponement,

Mr. GOVAN, of South Carolina, said, that, after the very able view which had been taken by the opponents of this measure, who had preceded him in the discussion, he should not attempt a detailed exposition of the grounds which would influence his vote; because, in so doing, said he, I am well convinced I shall be compelled to use many of the arguments of my friends, which have been expressed in a much more forcible manner than I should be capable of expressing them. I hope, sir, the magnitude of the subject, the great interest which our country must feel in the discussion, is a sufficient excuse for me to trespass, but a few moments, on the patience of the House. The tendency of the measure now before us, and which, I hope to God, will not be adopted by the committee, I view as one of the most dangerous schemes to the interest of this happy and prosperous nation, that ever could have been conjured up by the imagination of man. But, sir, the tendency of it will be lamentable in the extreme to the great interest of that section of country from which I come.

I look upon this question, sir, as pregnant with the most dangerous consequences of any that has been agitated on this floor since the establishment of our constitution. I regret, sir, to see any measure introduced here, which is, in any way, calculated to excite sectional feeling and create dangerous jealousies. I shall regret much to see one section of the Union arrayed against the other, but such, I fear, will be the effect of the bill now before the committee. Gentlemen are certainly not aware that they are about to introduce into our country a system which strikes at the very root of civil society, and is calculated to change the character and feelings of our population. No one will deny but that the character of a population depends, in a great measure, on the pursuits and occupations of civilized man. The effects of this measure will be to introduce into our country a system which is calculated to change this nation from an agricultural to a manufacturing people. Instead of breathing that pure and wholesome atmosphere which nature intended us to enjoy, in the delightful cultivation of our fields, and in pursuit of those avocations which are the delight and boast of every American, we are to shut our population up in a miserable factory, as it were in prison, entailing upon this nation one of the most pernicious evils that could be inflicted on human society. Can there be any comparison, sir, of

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

a population reared in the confined apartments of a factory, where they are doomed to waste their free spirits on looms and shuttles, to that which is reared in the delightful pursuits of agriculture, which gives strength to the arm, elevation to the soul, and independence to the profession? The effect of the bill now before us will, I fear, be quite different from that which is anticipated by the advocates of it. It will introduce among this sober, happy, and industrious people, a spirit of division, disunion, and discontent, will diminish the patriotism of our citizens, and corrupt the morals of our people. No one who is acquainted with the progress of manufactures, will deny but that the labor in them is calculated to diminish the strength and resources of a nation. Small children are generally employed in these factories, entirely under the control and influence of their parents, who are driven frequently by necessity and the prospect of gain, without taking into consideration the serious evils they are about to inflict on their families. The employment of persons of such a tender age, in these continued and sedentary habits, prevents population from attaining that size which they would were they employed in agricultural pursuits. Many melancholy instances may be cited of the dreadful effects of the influence of this system in Europe, but more particularly in England. We are told by Mr. Peel, one of the most distinguished men of the House of Commons, that the effects of this system on the population of one of the most healthy and flourishing towns in England, has been truly lamentable. He says, that the town of Manchester, which is now one of the most manufacturing towns in England, which used to furnish numerous and healthy recruits for the army, by the dreadful effects of this system was rendered wholly unproductive in that respect. In the manufactures of a new and unsettled country, it appears to me, above all others, to be the most uncertain place to invest capital, if the capitalist anticipates an immense profit in the commencement of his business. It requires great skill, and persevering industry, before they can give profit. The habits of the people must undergo a complete change before they can attain any degree of perfection. It is impossible, in the very nature of things, to suppose they can be speedily successful in a country like ours, abounding in extensive forests and untamed lands; and when recourse is had to prohibitions, premiums, and such like forced systems of monopoly, to encourage the prosperity of a country, there is always great reason to fear a mistake has been committed.

No nation in the world has advanced more rapidly to prosperity and wealth than the United States, unassisted by the advantages of conquest, but by the development and natural growth of her own resources. There is no nation under the sun where capital increases more rapidly, and the advantages of industry greater; and we shall still continue to grow and

VOL. VII.—48

prosper, unless a check is given to us by improper and imprudent legislation. To be sure, we have experienced a momentary check to our prosperity, but which has grown out of a state of things partly beyond our control, and partly by our own imprudence in legislation. The nominal price of property may change, our currency may depreciate, but a country possessing so many natural advantages of soil and climate, with a population doubling every twenty-three years, and the productions of the earth increasing in a still greater proportion, furnishes incontestable evidence of its rapid growth and rise to greatness. One of the best evidences of the prosperity of a country is, the price of labor; and I venture to assert, without the fear of contradiction, that in no country in the world is labor so high as in the United States, and it arises from the habits and feelings of our population, growing out of the nature of our Government, and character of our institutions. In no country in the world is there so many inducements for men to cultivate the earth, and become proprietors of the soil. Any man can, in this country, with the fruits of two days' labor, purchase an acre of land, which, if well cultivated, will subsist a small family. Can it be possible, with all these inducements to cultivate the soil, and with all the advantages which accompany pursuits of this kind, that an attempt will be made by legislative enactments to force capital from its natural course? Gentlemen say the nation is in debt and distress, and their object is to legislate it into a happy and prosperous condition, and that, too, by encouraging a particular branch of industry. If, by legislation, we foster and encourage any one particular branch of industry, it must be at the expense of another. It must be by taking from the pocket of A, and putting it into that of B. Capital, without the aid of Government, will always seek that kind of employment which is most profitable. And when any attempt is made to divert it from its accustomed channel, it must be at the expense of the other, and perhaps sacrificing the interest of the greater part for the advantage of the few. Mr. Hamilton had said, that "as often as a duty upon a foreign article makes an addition to its price, it causes an extra expense to the community for the benefit of the domestic manufacturer." There is no fact more clear and conclusive, than that, if the manufacturer cannot succeed, with the present high rate of duty, he cannot succeed without imposing an additional tax on the community. The article which it is the object of the consumer to purchase cheap, will rise in proportion to the duty laid on that article. By laying this high duty, which amounts to a complete prohibition, you deprive the Government of the income which arises from importations, and you make the article higher to the consumer, which is all for the benefit and advantage of the manufacturer. If we are to adopt this complicated system, let it be gradual, not speedy. This is the opinion

of Adam Smith, to whom, after all that has been said on this subject, we owe more than to any other man. He says, all changes of this kind should be gradual and slow. In this country particularly, this change should be gradual and progressive, inasmuch as Governments like ours are subject to violent changes of parties, often accompanied with a change of measures. Extensive investments have no security in any particular branch of industry, which are to be encouraged by sudden changes in legislation, and which depend on the whim and caprice of every session of Congress. No nation in the world, in proportion to her income, pays so large a bounty for the support of manufacturing industry as the United States. Much has been said on this subject, about establishing what gentlemen have termed an American policy. I am afraid there is a delusion in the sound. It is a popular term which gentlemen have made use of to effect their purpose, when they say, we should build up for ourselves an American policy, and, say they, it is high time we should begin to encourage home industry. The merchant who invests his capital in a ship, and by his enterprise, skill, and industry, brings an article of English manufacture into market, is as much the producer of that article as he who invests his capital in a factory of looms and shuttles, and manufactures the article at home. The process by which the article is acquired may be different, while the effect on the capital and industry of the country may be the same.

This House, sir, has been inundated with petitions and memorials from the noisy and clamorous manufacturers of our country, ambitious of their own personal aggrandizement, and with a view to the accumulation of wealth. They ought to be aware, and, no doubt, are, that experience, skill, and the knowledge of machinery, are necessary to their success. They will have first to rear a population in their factories, persons who must have all the advantages of a well-regulated life, to their business, before they can either labor with ease to themselves, or with profit to their employers. It is a fact too notorious, and the history of events will bear me out in the assertion, that when once we commence this kind of business, there will be no getting out of it. We rear a population in the factory, totally unfit for any other kind of business, or any of the common or ordinary purposes of life, and must, in the very nature of things, continue in the same kind of employment. They become mere machines themselves. Could the advocates of this system be but reasonable in their desires, and await the progress of time, they would soon acknowledge that the present duties were sufficiently high, and that the time is not far distant when we shall see the greater portion of the capital of our country going into the hands of the manufacturer. What has been the course of things already? Have not all the great and well-conducted factories in the United States

increased their capital every year? Has this not been the case with the factories at Boston, Providence, and Philadelphia, and others? We are willing to let them decide the question at issue. They are in favor of an increase of duty. This noise and clamor come from a few clamorous sets of manufacturers, who, I venture to say, could not prosper under any state of things, even with an entire prohibition. But, I would ask, is it just or reasonable that we should be called on to protect the improvident and unskilful manufacturer, who has his factory in a section of country possessing few or no natural advantages?—I mean such advantages as water power, and convenience to the seaboard. The time is not far distant, when those very men who are now crying out most loudly to protect them against foreign industry, will be equally clamorous for protection against the well-conducted factories of the Eastern States. We may go on passing tariff upon tariff, and, sir, we never can benefit the Western grower of hemp, or the manufacturer of cotton bagging. From the very best of information which I have been enabled to obtain on the subject, some of the well-conducted factories of the North have divided this year twenty-five per cent. per annum. One of the arguments which has been urged by the advocates of this system, is, that, if we do not do something to counteract the effect of this difference between our exports and imports, that the country, in a short time, will be drained of a very precious metal. That this difference must be paid in specie, and with this drain is connected all those horrid ideas of national bankruptcy and political ruin. Gentlemen appear not disposed to let the commercial part of the country—I say, gentlemen are not disposed to let them have any thing to do with the regulation of commerce. They will take it under their own protection. They appear to be ready and willing at “one fell swoop” to sweep all our foreign commerce from the ocean, and dry up those sources from which are derived almost every thing which is great and glorious in this Republic. It is presumed that no intelligent merchant would either import or export any article but that on which he expected to realize something more than an equivalent for. No man would continue that trade which, sooner or later, would lead to bankruptcy. To be sure, accidents sometimes happen from various circumstances; from any business being overdone; from the common accidents to which all long and dangerous voyages are liable. But, I venture to assert that every judicious investment of a capital, whether it be in specie or any thing else, returns with an increased value added to our capital by the energy and activity of our countrymen. It is somewhat strange that these instances of what they call balances against us, will be cited to prove a proposition, the converse of which has been established by the best writers on the subject for the last twenty years. We will only refer, for a moment, to the most prosperous period of our history,

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

from 1795 to 1801, a period which must be recollected with pleasure and delight by all the commercial men of the nation; a time when we enjoyed more uninterrupted commercial prosperity than any other nation in the world. And, I ask, was there not then what some gentlemen have called a balance against us, and which has always been the case at every period of our prosperity, and which always must be the case so long as England—"that England, hedged in with the main—that water-walled bulwark"—that emporium of the commerce of the world—enjoys any thing like her present commercial ascendancy over every quarter of the world? In the supposition that the specie of England formed the tenth part of the specie of Europe, it is very certain that the other nations of Europe must, and are compelled to exercise great activity and persevering industry to procure for themselves the other nine-tenths of specie which is necessary for their commerce; and, when they fail to procure that portion which is necessary, the English will soon take to them that part of the precious balance which is wanting. This is very reasonable and obvious, because the exportation of specie gives more profit to the enterprise of the merchant than any other article of commerce.

There must always be what has been termed a balance of trade in favor of England, so long as she maintains her present extensive credit, and carries on so much commerce with the other nations of the world. The inflexibility of her laws with regard to creditors, the undoubted value of her paper money, which governs every thing, go to place her far above all other nations which have neglected, or whose situation cannot procure for them the same advantages. She regards specie in the light which her best interests dictate to her. Nearly all the moneyed transactions of the country are effected by paper money more quick and agreeable than it can be done in any other way. Specie, by all nations, is considered as much an article of commerce as any thing else—as much so as we consider our flour or tobacco. No merchant sends a single dollar abroad but what he receives in return something which he considers more than an equivalent, for every exchange is a *quid pro quo*.

One of the greatest arguments against this bill is, that it strikes at the total annihilation and destruction of our foreign commerce—that commerce which has built up, and beautified our most flourishing towns and cities, and given an impetus to that American industry, activity and enterprise, to which we owe the present happy and flourishing condition of our country. Capital will naturally seek that kind of employment which is most profitable; and hence it is, that most of our capital, which is but the accumulation of thirty years, has been directed to commerce. It is true our navigating interest, from a peculiar state of things, has been much depressed, and this, sir, is to be the final blow it is to receive; this is to be our shipwreck.

A great portion of the capital of our country is commercial, accumulated by the active enterprise of our citizens, and which, we were told at the last session, by a gentleman who delivered one of the most able speeches on the subject I have ever heard, employed upwards of seventy thousand seamen, for the maintenance of which somewhere about ten millions of dollars were annually paid, to which, if we add the five millions which is necessary to keep this tonnage in repair, we shall find the enormous sum of fifteen millions of dollars annually disbursed to that class of our community. The effect of this measure on the cotton, rice, and tobacco-growing States will be pernicious in the extreme. It will exclude them from those markets where they depended almost entirely for a sale of those articles, and force Great Britain to encourage the cottons, (Brazil, Rio Janeiro, and Buenos Ayres,) which, in a short time, can be brought in competition with us. Nothing but the consumption of British goods in this country, received in exchange, can support a command of the cotton market to the Southern planter. It is one thing very certain, she will not come here with her gold and silver to trade with us. And should Great Britain, pursuing the principles of her reciprocal act, of last June, lay three or four cents on our cotton; where would, I ask, be our surplus of cotton? It is well known that the United States cannot manufacture one-fourth of the cotton that is in it; and should we, by our imprudent legislative enactments, in pursuing to such an extent this restrictive system, force Great Britain to shut her ports against us, it will paralyze the whole trade of the Southern country. This export trade, which composes five-sixths of the exports of the United States, will be swept entirely from the ocean, and leave but a melancholy wreck behind. I am well convinced the agricultural interest of this country, but more particularly that of the South, is doomed to great distress. Already are our storehouses crowded with bales of cotton, which no sale can be got for, and our granaries filled with grain, rotting on our hands. And yet, gentlemen say, we have protection for our cotton, and they will give us one for our grain. I could not have anticipated such arguments as these. No legislation, on our part, can avert the common distress which the agricultural interest of our country is doomed to suffer. We must look to a change of things on the other side of the Atlantic. An alarming fact has already presented itself. The exports of cotton this last year, from the Levant or from Egypt, into England, has been 143,000 bales; and it arises from the short-sighted policy of the people of the Eastern and Middle States. They have, by their petitions and memorials, together with acts of remonstrance, induced this Government to commence that system of restriction which has forced Great Britain to begin to look somewhere else for a market for her manufactured goods, and that raw material which she will only receive by way of exchange.

The people of the Eastern States should be the last in the Union to give their support to a measure of this kind, which aims a death-blow at the commercial and navigating interest of that portion of country, which has been clearly demonstrated by the gentleman from Massachusetts, (Mr. WEBSTER.) Have they not been the carriers of our exports, and the venders of our imports, which they have brought in in return? Have they not speculated in England on the capital of our raw material? The growers of wheat, the manufacturers of hardware, cotton, or woollen goods here, can have no trade with the growers of wheat, the manufacturers of hardware, cotton, or woollen goods in England. There must be difference of productions, difference of climate, and difference of wants, to create barter and exchange. The debt of the North to England has been paid by the cotton and rice of the South. Paralyze the South, and you strike from the ocean at once, as I said before, five-sixths of the export trade of the United States. Various causes have induced the Governments of Europe, but more particularly England, to adopt this complicated system of monopoly and prohibitions—a system which she has established, to the serious regret of the wise men of that country—a policy which was once considered sound, but now, as theories, universally exploded. It is the interest of every consumer to buy where he can get cheapest; and we are all, to a certain extent, consumers, and the more markets we have, the cheaper can we buy, and the better can we sell. As long as we trade with Great Britain, so long will she trade with us. But the moment we pass this bill, now before us, which is equal, and, I may say, intended, as a prohibition, that moment will the markets of Great Britain be closed against us. No commerce can be beneficial to both nations, unless it be founded and conducted on the perfect principle of reciprocity. Not only should the article be brought into the market as cheap as possible, but the less labor employed in the making, so much is a gain to the consumer. I should be glad to know if any gentleman from the South, on this floor, was willing to say he was prepared to give his vote for the passage of a bill for a direct tax; that he was ready to send the tax-gatherer among his constituents. I hope not. We shall have neither the means of paying a direct tax, nor of purchasing the manufactured article from the manufacturer. We shall all be driven, in our small way, at great expense and loss of labor, to manufacture for ourselves. For not only does this article, which it is the object of the consumer to purchase cheap, rise in value, but it cuts off the means which the consumer might have in paying for it.

Mr. Speaker has drawn a most unfavorable picture of the distress of our country, but he has dwelt with more than ordinary feeling on that portion of the country west of the Alleghany mountains, and the object of this

bill is to relieve them of that distress. If such are the fond anticipations of gentlemen from that quarter, I fear they will be disappointed. I am really disposed very much to question, whether there be any thing like distress in that section of which most is complained—I mean the West. There may have been a great depreciation of property, and individuals may not have got rich as fast as they might have wished, or might have anticipated, forming their conclusions from an unnatural state of things which existed some eight or ten years ago there. I, sir, at various periods, have travelled through that portion of the Union, and I assure you, sir, if there was any thing like distress in the country, it retired from public view altogether. I never, in the whole course of my life, saw a people more happy and contented, in the full fruition of the best of every thing which a rich and luxuriant soil could afford. The cause of the depreciation of property in that country, has not been owing to a want of protection to what has been termed American industry. It is owing, sir, to other causes—to a want of a sound currency. It is to be traced in their over-issues of paper money, and the regulation of the land office system, which offers such great inducement for immigration, and by that means has drained the country of its moneyed resources. The unparalleled prosperity of that country during our late war, gave a stimulus to industry, and a value to property, which no one who reasoned on the subject could have supposed would continue in time of peace. While the war threatened the Southern and Eastern States with distress and ruin, the Western country were enjoying a height of prosperity never before experienced in any country. And, sir, this measure, if adopted, will be worse than war upon the Southern country, without any of those advantages to the West which grew out of the late war with Great Britain. We, sir, who suffered in war, should at least be allowed some of the advantages incident to a peace. This bill will bear particularly hard, and be extremely onerous and burdensome to the poor and laboring classes of our community; even the spade of the ditcher, the axe of the timber-cutter, the gun of the hunter, and all the common implements of agriculture, are proposed to be taxed to an entire prohibition. Instead, sir, of taxing the rich man's banquet, and those articles which the interest of the country demands we should not encourage, we find those articles taxed highest which enter into the domestic concerns of every man's household. I, sir, should not object to this bill, could it be founded on a great national principle; but, I protest, most solemnly, against any measure so unequal in its operation, and the tendency of which will be to oppress one section of country for the advantage and benefit of another, and which must precede, but a little while, the necessity of an excise, which is inconsistent with the genius and spirit of our Government, and character of our insti-

APRIL, 1824.]

The Tariff Bill.—Brown Sugar.

[H. OF R.]

tutions. I should not object to this measure, if the operation could be confined to that portion of the Union which has been so loud and clamorous for it. But, sir, it involves us also. We are ready and willing to make any sacrifice for the good of the nation. Any thing for revenue, but not a cent for monopoly.

When Mr. GOVAN had concluded—

Mr. HAMILTON withdrew his motion for indefinite postponement.

The question on Mr. TOLSON's motion, before stated, was then taken, and stood—yeas 101, nays 101.

The House being equally divided, the SPEAKER voted with the yeas, and the question was thereby carried in the affirmative.

Mr. FLOOR, of Connecticut, then moved further to amend the said bill, by striking out the following item:

“On all foreign distilled spirits, fifteen per centum upon the duties now imposed by law, and in addition thereto.”

And on the question to agree to this amendment, it was determined in the negative—yeas 80, nays 123.

Mr. BRADLEY renewed the motion made by him in Committee of the Whole, for laying a duty on certain imported books.

Mr. B. supported the amendment, by submitting at length his views in relation to it.

Mr. TUCKER, of South Carolina, opposed the views expressed by Mr. BRADLEY, and moved to postpone the bill to the first day of December.

The previous question was then again called for by Mr. WRIGHT. There were in favor of taking it 70 votes, and against it 94. So the call was not sustained by the House.

The question then recurring on the postponement, as moved by Mr. TUCKER, of South Carolina—

Mr. MERCEUR opposed the motion in a short speech; to which Mr. TUCKER replied in a few words.

Mr. RANDOLPH requested the gentleman from South Carolina to withdraw his motion, as a personal favor to him, that the question might be taken on the motion of Mr. BRADLEY.

Mr. TUCKER complied; but with notice that, as soon as the present amendment should be disposed of, he should renew his motion for postponement.

Mr. ALLEN made a few remarks introductory to the reading of a memorial drawn up by Mr. Jefferson, (to whose liberal sentiments and philosophical and literary character he bore ample testimony,) on the subject embraced by the amendment now under consideration.

Mr. BRADLEY modified his amendment so as to read to the following effect:

“On all books which the importer shall make it satisfactorily appear to the Collector of the port were printed previously to the year 1776, four cents per volume; and on all books printed in other than the English language, four cents per volume; on all

other books, if bound, 37 cents—if in sheets, 33 cents per pound.”

Mr. WEBSTER stated several facts on the subject.

Mr. POINSETT supported the amendment by a few remarks.

Mr. FORSYTH moved to amend the amendment, by striking out its last clause, viz: “on all other books, when bound, 37 cents per pound, and when in boards or sheets, 33 cents per pound.”

Mr. BRADLEY opposed this alteration, and it was disagreed to.

Mr. CONDIOT suggested, as a modification, to insert “or parts of” books, which was accepted by the mover.

Mr. McARTHUR called for a division of the question, and it was accordingly taken, first, on the first clause of the amendment, and decided by yeas and nays—yeas 184, nays 12.

The question then recurring on the second part of the amendment, the yeas and nays upon it were dispensed with, and that part of the amendment was adopted, without a division.

Brown Sugar.

Mr. RANDOLPH then moved to amend the bill so as to reduce the duty on brown sugar to two and a half cents per pound.

Mr. RANDOLPH spoke as follows: I rise, sir, for the purpose of offering to the consideration of this House an amendment to the bill before them, which nothing but an imperious sense of duty could have induced me, *rebus ardentibus*, to propose. It will be recollected that, in the year 1816, an additional duty was laid on brown sugar. My present object is to reduce the duty to what it then was. I shall not take up the time of the House—I never have done it—in discussing the general principles of any bill on the consideration of its details. We all know the depreciation of money which has taken place since 1816; that revulsion in the pecuniary concerns of this country, many of us, in our own persons, and all of us in the persons of our friends, yet live to deplore. Sir, what was the comparative value of money then and at present? Do we not all know that at that time a duty of six cents per pound on sugar would not have been as much felt as a duty of three cents is felt now? Sir, there was not a man, with the exception, perhaps, of a few miserable usurers and mudworms, who could not then get six dollars easier than he now can get three. For myself, I could more easily have paid three dollars at that time than I can pay one dollar to-day. Sir, the demon of speculation had taken possession of the public mind—the bubble, not, sir, of the South Sea or the Mississippi, but one every whit as mischievous—was then fully blown to its utmost expansion, and was near bursting. Yet the duty on this article—an article we are all obliged to consume; in its necessity next to the articles of salt and iron, in universal demand; and entering into the food of the poorest man in the

community, would not have been as great, in proportion to the value of money—at six dollars then, as it is now at three dollars. Sir, I want to know on what principle it is that the sugar planter, who gets his mules, his stave timber, the provisions for his slave, at the first hand and on the cheapest possible terms, cannot be satisfied with a *protection*—(the word is not mine; I disclaim every thing of the kind, but I use it in gentlemen's own sense of the term,) yes, sir, a protection of two and a half cents a pound on their sugar? Sir, we have had a practical commentary in the success of the last amendment, (Mr. TON'S on cotton bagging,) on the effects of perseverance—I hope we shall profit by it; I hope it will animate, especially, every opponent of the bill to keep the faith; to fight the good fight, and to hold out to the end. [Here Mr. BRENT interposed.]

Sir, I have not yet done. My proposition, sir, is not to lay a tax, but to take one off. But, from the effect it seems to produce, I could really think that by some necromantic process, I had been suddenly transferred to a Chamber of Deputies, or to a British House of Commons, to the deliberative hall of someone of the older—I will not say the more corrupt—I disclaim the imputation; but one of the older and more *astute* Governments of Europe. Sir, I am wrong. I rather could wish I was thus transferred; for, in the British Parliament, I could see duties reduced to less than one-half of their former amount; not, indeed, from choice, sir, for power is sweet, and so is money; but the British ministry have been driven to the reduction, and on the necessary article of salt, seven-eighths of the duty has been taken off, and they are pledged to repeal the remainder. But here, sir, by some strange conjunction of the planets—for evidently it cannot have been by any constellation being in opposition—a most extraordinary effect has been produced. In this most popular branch of the most popular Government in the world, we, who come immediately from the people, whose arteries may be expected to pulsate and keep measure with their own, instantly become extremely fastidious, so soon as any proposal is made, the object of which is to lessen the burdens of the country. Sir, were it not as plain as the noonday sun, I would quote high authority in this House, to prove what I have said of the distresses of the country. Sir, the very stamp act itself could hardly throw us into a greater flame than a proposal to diminish any of the taxes—ay, sir, or our own emolument, seems to excite in this House. But as it is a feeling in which I do not participate, as my feelings run in quite another direction, I find myself quite cool—never more unmoved in my life; for if, as I have some reason to fear, the tax shall not be reduced, I sir, shall pay as little of it as any man.

Mr. CONDOR opposed the motion, and referred to the facts which existed when the present duty was laid.

Mr. RANDOLPH replied.

Mr. BRENT said a few words; and

Mr. FLOYD argued at some length in favor of the reduction.

Mr. COOK took the same side of the question, and was opposed by Mr. GURLEY; when

Mr. WICKLIFFE called for the previous question. The House refused to take it—ayes 81, noes 99.

Mr. FARRELLY opposed the reduction.

Mr. WARFIELD avowed a change of sentiment on the subject, and argued in favor of the reduction, and in answer to Mr. FARRELLY.

Mr. COOK spoke in vindication of the course he had pursued, and in answer to a charge of inconsistency.

Mr. LIVINGSTON explained some facts in relation to the consumption and raising of sugar, and urged arguments against the proposed amendment.

Mr. MALLARY inquired into the state of the sugar-growing interest, and the prospects of its increase.

Mr. LIVINGSTON replied, and stated details in explanation.

Mr. MOORE, of Alabama, moved an adjournment.

The House refused to adjourn—ayes 87, noes 100.

Mr. FORSYTH gave the history of the imposition of the tax on sugar, to show that it was raised for revenue only, and advocated the reduction.

Mr. MALLARY spoke in opposition to it.

The question was then taken on Mr. RANDOLPH'S motion, by yeas and nays—yeas 96, nays 99, as follows:

YEAS.—Messrs. Abbot, Adams, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, P. P. Barbour, Breck, Brown, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Cook, Culpeper, Cushman, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Forsyth, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Henry, Herrick, Hobart, Hooks, Houston, Kent, Lathrop, Lee, Leftwich, Letcher, Little, Livermore, Locke, Longfellow, McCoy, McDuffie, McKim, Mangum, Matlack, Mercer, Metcalfe, Mitchell of Maryland, Neale, Nelson, Newton, O'Brien, Plumer of New Hampshire, Randolph, Reynolds, Rives, Ross, Saunders, Scott, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Sterling, A. Stevenson, J. Stephenson, Stoddard, Strong, Taliaferro, Tattnall, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, and James Wilson—96.

NAYS.—Messrs. Alexander of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Bassett, Blair, Brent, Buchanan, Buck, Campbell of Ohio, Cassedy, Cooke, Collins, Condict, Crafts, Craig, Crowninshield, Cuthbert, Day, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Forward, Fuller, Garrison, Gazlay, Gurley, Harrie, Hayden, Hemphill, Harkimer, Hogeboom, Holcombe, Isaacks, Jenkins, Johnson of Virginia, J. T. Johnson, F.

APRIL, 1824.]

Claim of Daniel D. Tompkins.

[H. OF R.]

Johnson, Kremer, Lawrence, Lincoln, Litchfield, Livingston, Long, McArthur, McKean, McKee, McLane of Delaware, McLane of Ohio, Mallary, Markley, Martindale, Marvin, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reed, Richards, Rich, Rogers, Rose, Sandford, Sharpe, Sibley, Sloane, Standefer, Stewart, Swan, Taylor, Teat, Thompson of Kentucky, Tod, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Webster, Whipple, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Wood, Woods, and Wright—99.

So the motion was negatived.

A motion was made by Mr. WILLIAMS, of North Carolina, to amend the bill, by inserting the following, viz: On salt, twelve and a half cents per bushel of fifty-six pounds, instead of twenty cents, as now imposed by law." *

And then the House adjourned.

* This was the first error committed in the movement to reduce the salt duty—the error of not coupling with it the corresponding reduction of the fishing bounties and allowances. These bounties and allowances were nothing but a drawback of the duty on salt on that part of the fish which should be exported: and as such drawback, previous to this time, the salt duty and the fishing bounties and allowances, rose and fell, lived and died, and came to life again together. The same of salted provisions (beef and pork) exported. From the first salt tax in 1789, when the tax was 6 cents the bushel, down to the suppression of the same in 1807, when it had been raised to 90 cents a bushel, the tax and its attendant bounties and allowances on both fish and salt provisions, rose together and fell together. In the act of '89, after imposing the duty of 6 cents a bushel on salt, it went on to allow the drawback in these words: "That there shall be allowed and paid on every quintal of dried, and on every barrel of pickled fish, of the fisheries of the U. S., and on every barrel of salted provisions of the U. S., exported to any country without the limits thereof, in lieu of the duties imposed on the importation of the salt employed and expended therein; viz: On every quintal (112 pounds) of dried fish, 5 cents: on every barrel of pickled fish, 5 cents: on every barrel of salted provisions, 5 cents."—In 1792, when the salt tax was raised to 8 cents a bushel, all these allowances were increased one-fourth: in '95, when the tax was raised to 12 cents, the allowances were doubled: in 1797, when raised to 20 cents, all the bounties and allowances were proportionately increased, so as to make them above three times as much as when first allowed in 1789. In the year 1807, under Mr. Jefferson, and upon his recommendation, the salt tax, and all its appurtenances, was suppressed; but at the beginning of the war with Great Britain, the salt tax was revived, and at its highest rate, of 90 cents for 56 pounds, (while the measured bushel weighed 84 pounds;) but only as a war tax—to continue to the end of the war, and one year thereafter, and no longer. Upon which the sagacious Mr. Macon said, these fine words of limitation were nothing: the tax, if put on, would stick. And above forty years' experience has shown that he was about right; the tax still sticks, in part, and the fishing bounties and allowances, founded upon it, in full. But not so of the bounties on the exportation of salted provisions. The tax being only for the war, and no exportations being expected by the farmers during the war, the allowance to exported salted provisions was not revived. To the fisheries only the bounties and allowances were revived; and they have been drawing great annual sums from the treasury

WEDNESDAY, April 14.

Claim of Daniel D. Tompkins.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to whom was referred the Message of the President of the United States upon the subject of the claim of Daniel D. Tompkins, late Governor of the State of New York, made a report thereon; which was read, and is as follows:

The Committee of Ways and Means, to whom was referred the Message of the President of the United States of the 25th of March, 1824, relative to the accounts of Daniel D. Tompkins, report:

That the accounts of Mr. Tompkins underwent a full investigation by a committee of the House, appointed at the second session of the last Congress, who made a detailed report thereon, and in the views of the committee then expressed, as to the services of Governor Tompkins, and his claims to the justice and liberality of his country, this committee fully concur.

On a consideration of the claims and accounts of Governor Tompkins, the committee, at the last session, reported in favor of, and recommended—

1. An allowance of interest on all moneys advanced by him, on account of the public, from the time of making such advances to the time of his being reimbursed.
2. An allowance of a reasonable commission on all moneys disbursed by him during the late war.
3. An indemnity for losses sustained by him, in consequence of any failure on the part of the Government to fulfil its engagements to send him money and Treasury notes, within the time specified, to be deposited in certain banks as collateral security for loans procured by him at the request and on account of the Government.
4. An irresponsibility for losses incurred by any frauds or failures of sub-agents to whom moneys were advanced through his hands.

In conformity with this report, a bill was passed an-

ever since,—as large as ever—without regard to the subsequent reductions in the salt duty; while the exporters of beef and pork have been losing 90 cents on the barrel since the revival of the tax. The following is the bill for the suppression of the salt tax passed in Mr. Jefferson's time:

Be it enacted, &c. That, from and after the thirtieth day of June next, the act entitled "An act laying an additional duty on salt imported into the United States, and for other purposes," passed the eighth day of July, one thousand seven hundred and ninety-seven, shall be, and the same hereby is, repealed, and that, from and after the thirty-first day of December next, so much of any act as lays a duty on imported salt, be, and the same hereby is, repealed; and, from and after the day last aforesaid, salt shall be imported into the United States free of duty: *Provided*, That for the recovery and receipt of such duties as shall have accrued, and on the days aforesaid, respectively, remain outstanding, and for the recovery and distribution of fines, penalties, and forfeitures, and the remission thereof, which shall have been incurred before and on the said days, respectively, the provisions of the aforesaid act shall remain in full force and virtue.

Sec. 2. And be it further enacted, That, from and after the first day of January next, so much of any act as allows a bounty on exported salt provisions and pickled fish, in lieu of drawback of the duties on the salt employed in curing the same, and so much of any act as makes allowance to the owners and crews of fishing vessels, in lieu of drawback of the duties paid on the salt used by the same, shall be, and the same hereby is, repealed: *Provided*, That the provisions of the aforesaid acts shall remain in full force and virtue for the payment of the bounties or allowances incurred or payable on the first day of January next.

thorizing "the proper accounting officers of the Treasury to adjust and settle the accounts and claims of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States."

The committee have no doubt that Governor Tompkins has been and yet is a creditor of the Government to a large amount, and that every principle of justice would recommend a prompt and liberal settlement of his accounts, upon the basis of the foregoing report; but they are of opinion, also, that the act of Congress before recited gives sufficient authority for this purpose.

So far as the committee have been informed, it appears that the aforesaid act has been liberally interpreted by the President and the accounting officers, and that, under the provisions of that law, the President of the United States now possesses the power, and ought, in the opinion of the committee, to exercise it, of doing full and liberal justice to Governor Tompkins.

The committee do not perceive any good reason, therefore, for making any change in the existing law, and recommend the following resolution:

Resolved, That the Committee of Ways and Means be discharged from the further consideration of the subject, and that it be again referred to the President of the United States for his final decision.

Some conversation arose between Mr. McLANE and Mr. COCKE, on the subject, when Mr. COCKE moved to lay the report on the table. The motion was agreed to—ayes 76, noes 60.

The Tariff Bill.

The House having resumed the consideration of the bill for a revision of the Tariff—

Mr. TUCKER, of South Carolina, renewed the motion he had yesterday made for a postponement of the Tariff bill to the first day of December next; on which question the yeas and nays were required.

Mr. TRIMBLE moved for a call of the House; the motion was agreed to—ayes 87, noes 78. A call of the House was accordingly ordered. The names of the absentees were called and the doors closed.

Mr. LITTLE then moved to dispense with all further proceedings in the call. The motion was negatived. Ayes 78, noes 108.

Excuses were then offered for several absentees, and accepted.

Mr. WEBSTER moved that all further proceedings on the call be dispensed with.

Mr. TRIMBLE opposed the motion.

The question was taken and decided in the affirmative. Ayes 110.

Mr. WEBSTER protested against either an indefinite postponement, or taking the previous question on this bill, whilst amendments were pending, and others ready to be offered.

Mr. TRIMBLE then required the previous question. The House refused to sustain the call—ayes 94, noes 97.

Mr. WEBSTER stated his reasons for voting against the indefinite postponement of the bill.

Mr. RANDOLPH expressed nearly the same views.

Mr. TUCKER said, on making his motion to postpone the Tariff bill to the 1st of December next, he did not rise to make a speech, because other gentlemen had already expressed his views of the subject under discussion much better than he was capable of doing, and much more to his satisfaction. But I am of opinion, said Mr. T., that this discussion, and the course that has been pursued, are sufficient evidence of the impropriety, at least, of laying duties for any purpose except revenue. And if we can place any confidence in the opinion of the President of the United States, and Secretary of the Treasury, there is no necessity for increasing the revenue, except it should be thought necessary to carry into operation a system of internal improvement—a project, he believed, equally as unconstitutional as the proposed tariff, and which will be equally as partial in its operation, and oppressive in its effect; both of which I consider a violation of the spirit of the constitution, unwise, and impolitic—measures which I protest against. Some gentlemen contend that, if the bill should pass, it will increase the revenue, and encourage domestic industry; and that, by increasing the duty, the articles will come cheaper to the consumer, &c. I cannot believe such doctrine. To say that the manufacturers cannot go on without increasing the present duties, to enable them to compete with foreign manufactures, and thereby place it in the power of the manufacturers to charge more for their articles, and yet that they will come cheaper to the consumer, seems to me absurd.

Our constitution was formed to establish justice, insure domestic tranquillity, provide for the common defence and general welfare of this Union. But if these projects are carried into operation, they must and will have a contrary effect. From some sections of this Union, petitions have been presented from many manufacturers, praying for protection; which, if they succeed, must operate against the interest of every other class, except themselves, and be particularly oppressive to the people in the Southern States.

This subject has been too long discussed, and I have no doubt every gentleman's mind is made up on it, and that the vote now would be the same that it would be a month hence. I think the bill worse now, than when it was reported by the Committee of the Whole, and as I am opposed to the bill with any amendments that could be made; and, for the purpose of putting an end to further discussion and amendment, I shall move for the postponement of it. I think it time for the present session to come to a close; I, for one, wish to go home; but, if gentlemen think we should stay longer, I am of opinion our time can be much better employed on other subjects. I call for the yeas and noes on the question of postponement.

Mr. HAMILTON and Mr. P. P. BARBOUR made a few observations in reply. When the question was taken on indefinite postponement—yeas 45, nays 153.

FRI., 1824.]

The Tariff Bill.

[H. OF R.]

Salt Tax.

The question then recurred on the amendment previously offered by Mr. WILLIAMS, reducing the duty on salt to 10 cents per bushel.

Mr. ROSS called for the previous question.

The House refused to sustain the call—ayes 8, noes 95.

Mr. SANDFORD made some general remarks in opposition to the bill.

Mr. REED stated facts, and quoted memorials in opposition to the amendment proposed.

Mr. FLOYD advocated the reduction, which was also supported by Messrs. RANDOLPH and LOORE, of Alabama; when the question was taken by yeas and nays—yeas 81, nays 122, as follows:

YEAS.—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartlett, Buck, Burleigh, Burton, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Culpeper, Cushman, Edwards of North Carolina, Floyd, Foot of Connecticut, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Houston, Kent, Lathrop, Lee, Leftwich, Little, Livmore, Long, McCoy, McDuffie, McKee, McKim, Mangum, Matlack, Mercer, Mitchell of Maryland, Moore of Alabama, Neale, Owen, Plumer of New Hampshire, Poinsett, Randolph, Reynolds, Rives, Rogers, Saunders, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, Sterling, A. Stevenson, J. Stephenson, Stoddard, Taliaferro, Tattall, Thompson of Georgia, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Wayne, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—81.

NAYS.—Messrs. Adams, Alexander of Tennessee, Allison, Baylies, Bartley, Bassett, Beecher, Blair, Brock, Brent, Brown, Buchanan, Buckner, Cady, Campbell of Ohio, Cassidy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foote of New York, Forward, Fuller, Harrison, Gazlay, Gurley, Harris, Hayden, Hemphill, Henry, Herrick, Herkimer, Hobart, Hogeboom, Holcombe, Isaacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Lincoln, Litchfield, Livingston, Longfellow, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matson, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Newton, O'Brien, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rankin, Reed, Richards, Rich, Rose, Ross, Sandford, Scott, Sharpe, Sibley, Sloane, Stewart, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—121.

So the motion of Mr. WILLIAMS was negatived.

Mr. KREMER called for the previous question.

The House, this time, sustained the call—ayes 98, noes 86.

The question, "Shall the main question be now put?" was taken by yeas and nays—yeas 111, nays 98.

The said *main question* was then put, to wit: "Shall the bill be engrossed, and read a third time?" and passed in the affirmative—yeas 105, nays 102, as follows:

YEAS.—Messrs. Adams, Alexander of Tennessee, Allison, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassidy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS.—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Blair, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Isaacks, Kent, Lathrop, Lee, Leftwich, Lincoln, Litchfield, Livmore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

So the bill was ordered to be engrossed and read a third time.

thorizing "the proper accounting officers of the Treasury to adjust and settle the accounts and claims of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States."

The committee have no doubt that Governor Tompkins has been and yet is a creditor of the Government to a large amount, and that every principle of justice would recommend a prompt and liberal settlement of his accounts, upon the basis of the foregoing report; but they are of opinion, also, that the act of Congress before recited gives sufficient authority for this purpose.

So far as the committee have been informed, it appears that the aforesaid act has been liberally interpreted by the President and the accounting officers, and that, under the provisions of that law, the President of the United States now possesses the power, and ought, in the opinion of the committee, to exercise it, of doing full and liberal justice to Governor Tompkins.

The committee do not perceive any good reason, therefore, for making any change in the existing law, and recommend the following resolution:

Resolved, That the Committee of Ways and Means be discharged from the further consideration of the subject, and that it be again referred to the President of the United States for his final decision.

Some conversation arose between Mr. McLANE and Mr. COOKE, on the subject, when Mr. COOKE moved to lay the report on the table. The motion was agreed to—ayes 76, noes 60.

The Tariff Bill.

The House having resumed the consideration of the bill for a revision of the Tariff—

Mr. TUCKER, of South Carolina, renewed the motion he had yesterday made for a postponement of the Tariff bill to the first day of December next; on which question the yeas and nays were required.

Mr. TRIMBLE moved for a call of the House; the motion was agreed to—ayes 87, noes 78. A call of the House was accordingly ordered. The names of the absentees were called and the doors closed.

Mr. LITTLE then moved to dispense with all further proceedings in the call. The motion was negatived. Ayes 78, noes 108.

Excuses were then offered for several absentees, and accepted.

Mr. WEBSTER moved that all further proceedings on the call be dispensed with.

Mr. TRIMBLE opposed the motion.

The question was taken and decided in the affirmative. Ayes 110.

Mr. MERRICK protested against either an indefinite postponement, or taking the previous question on this bill, whilst amendments were pending, and others ready to be offered.

Mr. TRIMBLE then required the previous question. The House refused to sustain the call—ayes 94, noes 97.

Mr. WEBSTER stated his reasons for voting against the indefinite postponement of the bill.

Mr. RANDOLPH expressed nearly the same views.

Mr. TUCKER said, on making his motion to postpone the Tariff bill to the 1st of December next, he did not rise to make a speech, because other gentlemen had already expressed his views of the subject under discussion much better than he was capable of doing, and much more to his satisfaction. But I am of opinion, said Mr. T., that this discussion, and the course that has been pursued, are sufficient evidence of the impropriety, at least, of laying duties for any purpose except revenue. And if we can place any confidence in the opinion of the President of the United States, and Secretary of the Treasury, there is no necessity for increasing the revenue, except it should be thought necessary to carry into operation a system of internal improvement—a project, he believed, equally as unconstitutional as the proposed tariff, and which will be equally as partial in its operation, and oppressive in its effect; both of which I consider a violation of the spirit of the constitution, unwise, and impolitic—measures which I protest against. Some gentlemen contend that, if the bill should pass, it will increase the revenue, and encourage domestic industry; and that, by increasing the duty, the articles will come cheaper to the consumer, &c. I cannot believe such doctrine. To say that the manufacturers cannot go on without increasing the present duties, to enable them to compete with foreign manufactures, and thereby place it in the power of the manufacturers to charge more for their articles, and yet that they will come cheaper to the consumer, seems to me absurd.

Our constitution was formed to establish justice, insure domestic tranquillity, provide for the common defence and general welfare of this Union. But if these projects are carried into operation, they must and will have a contrary effect. From some sections of this Union, petitions have been presented from many manufacturers, praying for protection; which, if they succeed, must operate against the interest of every other class, except themselves, and be particularly oppressive to the people in the Southern States.

This subject has been too long discussed, and I have no doubt every gentleman's mind is made up on it, and that the vote now would be the same that it would be a month hence. I think the bill worse now, than when it was reported by the Committee of the Whole, and as I am opposed to the bill with any amendments that could be made; and, for the purpose of putting an end to further discussion and amendment, I shall move for the postponement of it. I think it time for the present session to come to a close; I, for one, wish to go home; but, if gentlemen think we should stay longer, I am of opinion our time can be much better employed on other subjects. I call for the yeas and noes on the question of postponement.

Mr. HAMILTON and Mr. P. P. BARBOUR made a few observations in reply. When the question was taken on indefinite postponement—yeas 45, nays 155.

APRIL, 1824.]

The Tariff Bill.

[H. OF R.]

Salt Tax.

The question then recurred on the amendment previously offered by Mr. WILLIAMS, reducing the duty on salt to 10 cents per bushel.

Mr. ROSS called for the previous question.

The House refused to sustain the call—ayes 98, noes 95.

Mr. SANDFORD made some general remarks in opposition to the bill.

Mr. REED stated facts, and quoted memorials in opposition to the amendment proposed.

Mr. FLOYD advocated the reduction, which was also supported by Messrs. RANDOLPH and MOORE, of Alabama; when the question was taken by yeas and nays—yeas 81, nays 122, as follows:

YEAS.—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartlett, Buck, Burleigh, Burton, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Culpeper, Cushman, Edwards of North Carolina, Floyd, Foot of Connecticut, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Houston, Kent, Lathrop, Lee, Leftwich, Little, Livermore, Long, McCoy, McDuffie, McKee, McKim, Mangum, Matlack, Mercer, Mitchell of Maryland, Moore of Alabama, Neale, Owen, Plumer of New Hampshire, Poinsett, Randolph, Reynolds, Rives, Rogers, Saunders, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, Sterling, A. Stevenson, J. Stephenson, Stoddard, Taliaferro, Tattall, Thompson of Georgia, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Wayne, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—81.

NAYS.—Messrs. Adams, Alexander of Tennessee, Allison, Baylies, Bartley, Bassett, Beecher, Blair, Breck, Brent, Brown, Buchanan, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foote of New York, Forward, Fuller, Garrison, Gazlay, Gurley, Harris, Hayden, Hemphill, Henry, Herrick, Herkimer, Hobart, Hogeboom, Holcombe, Isaacs, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Lincoln, Litchfield, Livingston, Longfellow, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matson, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Newton, O'Brien, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rankin, Reed, Richards, Rich, Rose, Ross, Sandford, Scott, Sharpe, Sibley, Sloane, Stewart, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Webster, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—121.

So the motion of Mr. WILLIAMS was negatived.

Mr. KREMER called for the previous question.

The House, this time, sustained the call—ayes 98, noes 86.

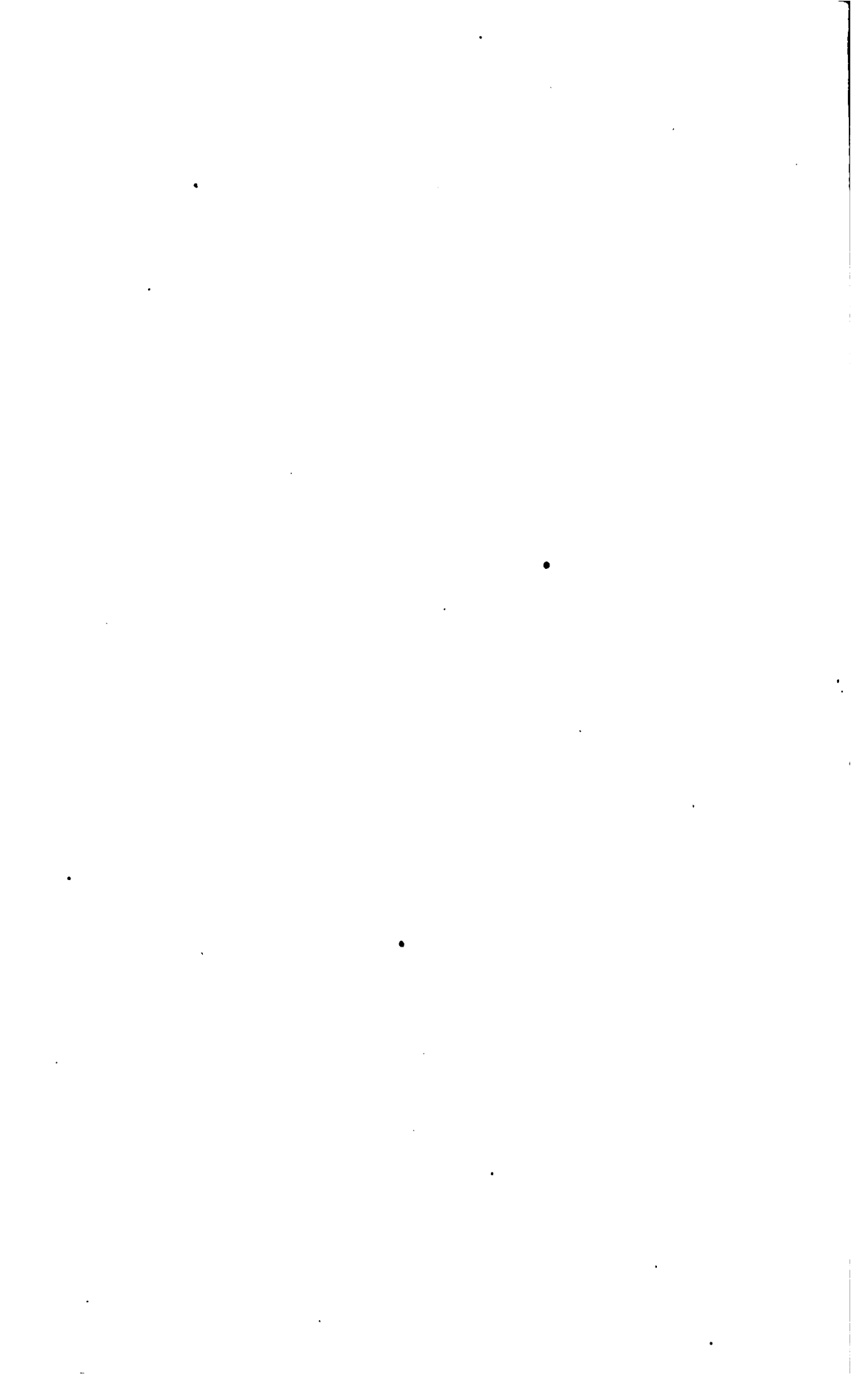
The question, "Shall the main question be now put?" was taken by yeas and nays—yeas 111, nays 93.

The said *main question* was then put, to wit: "Shall the bill be engrossed, and read a third time?" and passed in the affirmative—yeas 105, nays 102, as follows:

YEAS.—Messrs. Adams, Alexander of Tennessee, Allison, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS.—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Blair, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Isaacs, Kent, Lathrop, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

So the bill was ordered to be engrossed and read a third time.



INDEX TO VOL. VII.

A.

ABBOTT, JOHN, Representative from Georgia, 3, 316, 377, 592.
—*See Index*, vol. 6.

ASHEDEEN, HENRY, in the House, petition of, presented, 287; owing to the construction of the laws relating to enrolling and licensing of vessels, colored persons were debarred from this privilege, 268.

ADAMS, BENJAMIN, Representative from Massachusetts, 3.
—*See Index*, vols. 5, 6.

Addresses of the Senate and House in answer to President's Messages.—*See Index*, vols. 1, 2.

Adjournment, in the Senate, a proposition to adjourn on the first of April considered, 169; nothing but ordinary business to be done, 169; too soon to fix a day, 169; nothing be lost by postponing most of the important questions now before Congress to the next session, 169; the real question is, whether the business can be done in a certain time, 170; further debate, 170; resolution agreed to, 170.

In the House, do not possess the necessary facts to fix a limit to the session, 267; very little has been done so far, 268; further debate, 268.

Admirals in the Navy.—*See Index*, vol. 2.

African Slaves and Slavery.—*See Index*, vols. 1, 2, and *Index*, vol. 6, *Slavery*.

ALEXANDER, ADAM R., Representative from Tennessee, 592.

ALEXANDER, MARK, Representative from Virginia, 3, 216, 377, 592; on the Revolutionary Pension bill, 291. *See Index*, vol. 6.

Algerine War.—*See Index*, vol. 1.

Allegiance, Foreign.—*See Index*, vol. 1; also *Index*, vols. 2, 5, 6, *Expatriation*.

ALLEN, NATHANIEL, Representative from New York, 3. *See Index*, vol. 6.

ALLEN, ROBERT, Representative from Tennessee, 6, 316, 377, 592; on the public land debt, 137; relative to payment for horses lost in the Seminole war, 308; on road from Memphis to Little Rock, 615. *See Index*, vol. 6.

ALLEN, SAMUEL C., Representative from Massachusetts, 3, 315, 377, 592. *See Index*, vol. 6.

ALLISON, JAMES, Representative from Pennsylvania, 592.

Amelia Island.—*See Index*, vol. 6.

Amendment of the Journal of the House.—*See Missouri*.

Amendment to the Constitution.—In the Senate, resolution offered to amend the constitution so as to give the Senate appellate jurisdiction from the Judiciary over all cases in law or equity under the constitution, &c., 145; the constitution itself contemplates amendment, 146; the sole difficulty in its formation was to determine the proper distribution of power, 146; after an experience of

thirty-two years it becomes our duty to begin this inquiry relative to the conflicts between the Federal Judiciary and the sovereignty of the States, 146; those conflicts so frequent and alarming, the public safety demands an investigation, 146; it is contended by some of the States, that the States have superior claims to an exclusive decision in all cases of conflicting power, 146; in the case of Pennsylvania, much was said of the rights of the parties, and the necessity of a tribunal that could remedy the evil, 146; at this time there is unfortunately a want of confidence in the Federal Judiciary in cases that involve political power, 147; it is a principle interwoven both in the theory and practice of our Government, that every department which exercises political power shall be responsible to the people, 147; it may be denied by some that the Judiciary exercises legislative or judicial powers, 148; the passions and propensities of human nature, with all their imperfections, are alike common to every rank and condition, 148; it is not pretended that judges are worse than other men, 148; power cannot safely be confided anywhere without the guarantee of responsibility, 149; are we choosing guardians to control us, and prevent us from destroying ourselves in our fits of lunacy? 149; has the change in the judicial term from tenancy at will to that of life essentially changed the character of decisions in Great Britain? 149; the nature and the object of the Federal Judiciary are subjects worthy of investigation, 150; the real object of an independent Judiciary in this country, must have been to embody the best experience in legal knowledge, and produce uniformity of decision in legal questions relating to property and crimes, 150; what should be the supreme law of the land? 150; the history of this Government furnishes us nothing that can induce us to look with a very favorable eye to the Federal Judiciary as a safe depository of our liberties, 151; instances in which State authorities have been set at defiance, 151; case of Dartmouth College, 151; case of New Jersey, 152; case of Pennsylvania, 152; case of Maryland, 153; case of Ohio and Kentucky, 153; the case of Cohen vs. Virginia, 154.

Election of President and Vice President by a direct vote of the people, a resolution relative to, offered, 473.

A resolution providing that the electors shall continue voting until a President is chosen, offered, 473; the necessity of some change is obvious, 473; numerous propositions offered, 473; the Electors represent the true feelings of the people, 473.

A resolution proposing the district system, offered, 473.

A resolution to restore the original system proposed,

474; a return to the good old ways of our political fathers, 474; for what purpose was the office of Vice President created, 474; the propriety of the original mode of election was not only evident from the deductions of reasoning and the voice of experience, but it was fully confirmed by the prospect of the future and especially by the prospect immediately before the nation, 475; *note*, 475; while no small excitement exists in relation to the President's election, there is an utter apathy and indifference in regard to the Vice President, 475.

Resolution providing for a second ballot by the Electors if there is no choice on the first ballot, 475; the plan of an election by a direct vote of the people examined, 476; it does not profess to give the choice to a majority of the people, and renders a resort to the House of Representatives almost indispensable, 476; the consent of the States required for the district system, 476; basis of the election of the three departments of Government, 476; its tendency is to reduce still more the relative weight of the large States in the general scale, 477; remarks on the other propositions, 477, 478; remarks of commentators on the constitution, 478; experience has settled for us the general point of the operation of the powers conferred by the constitution upon the relative strength and influence of the respective Governments, 479; election of President and Vice President by a direct vote of the people considered, 496; it proposes to divide the United States into electoral districts, 496, 497; evils of the general ticket system, 497; the choice of electors by legislative ballot is subject to equal objections, 498; analysis of the words of the constitution, 498; the construction put upon the constitution at the time of its adoption, 499; reasons stated in the *Federalist*, 499; these reasons considered, 500, 501; by the constitution it was intended the electoral office should be one of the first dignity in the republic, 503; the elector may betray the liberties of the people by selling his vote, 502; historical examples to prove the correctness of this opinion, 502; the virtue and simplicity of this day must pass away, 503; danger of tumults and popular commotions, 503; what shall we infer from tumultuous elections, 504; the Grecian republics, 504.

Caucus System.—Under the present state of public feelings the consideration of the amendments should be postponed, 517; a new, self-created, central power, stronger than the power of the constitution, has grown up at the seat of Government, 517; *note*, 517; this power at present composed of a select number of members of Congress, &c., 518; they are under no restriction as to the number and condition and residence of their members, 518; should perilous times occur and men of unchastened ambition become President and Vice President they would employ this central power to fill the two Houses of Congress, 518; let any member of the Senate point out an article or clause of the constitution which gives the slightest encouragement to measures of any sort by which a concentration of the votes for the President may be effected previously to the choice of electors in the several States, 518; the practice of holding caucuses has long existed, 519; the first embargo was agreed upon in caucus, 519; proceeding in the States relative to an amendment of the constitution, 519; it has been said that the proposed amendment is an attempt on the part of the large States to deprive the smaller States of their equal ratio in the House in the choice of President, 520; a reference to what had taken place should dispel this impression, 520.

A disproportion has grown out of the relative powers of the great and small States which the members of the convention had not foreseen, 521; six great States can control the election, 521; the appointment of electors

by State legislatures has been acquiesced in for thirty years, 521; if the legislature choose the electors they know whom they choose, 521; the present provision of the constitution in respect to an election of President is extremely weak, 522; the power which members of Congress assumed of nominating a President places the complete control of the Government in the hands of a party, 522; the caucus is neither forbidden nor enjoined by the constitution, 522; every printer in the country exercised the same privilege, 522.

The first use of the word caucus here, 523; seems to apprehend the time will come when the President and heads of departments will participate in such a convention, 523; a public meeting has been held to recommend to the people to unite and keep the election in their own hands, 523; what is the question before the Senate, that of an indefinite postponement of the amendments, 523; the district system, 523; is the object to affect the public mind in regard to the caucus which has been recently held, 524; its object was to produce union, 524; former caucuses, 524; what has this to do with the propositions to amend the constitution? 524; it is a firebrand thrown into this House, 524; what was done in caucus was done openly, 524; explanation, 524; it is said that a Congressional caucus for the nomination of President is not liable to any of the objections which may be urged against the election of President by Congress, 525; an obvious fallacy, 525; if gentlemen acted in their private capacity every citizen would be entitled to attend, 525; a member of Congress cannot put off his character and as a private citizen interfere with matters which the constitution has wisely prohibited him from meddling with, 526; illustrations, 526; objections to a Congressional caucus, 526; it is said such a caucus is free from objection, because it does not profess to elect but only to nominate a President, 527; is not the design of the nomination to procure the election? 527; it is said, a caucus is necessary to promote union, 527; this debate is entirely out of order, and foreign to the subject before the Senate, 528; the true question is, whether we have a consolidated or a consolidated government, 528; how far will these amendments go to cure the evils in the constitution or introduce others into it, 528; to an unadvised stranger who had heard the first speaker it would seem that a monster of yesterday had sprung up threatening to devastate the country, 529; it is said the President and Heads of Departments may with equal propriety meet and make a nomination, but they do not come immediately from the people as members of Congress, 530; let gentlemen propose a substitute for a caucus, 530; what is the consequence of a difference of opinion? 530; the meeting is merely for the general concentration of opinion, 530; the system is too old in this country—opposition to it will not do, 531; the dangers the Republican party had to encounter have been mainly obviated by the caucus system, 532; it has been approved, 532; a view of the caucus system as it has operated, 532; suppose all had met and agreed on a candidate, what would have been the consequence? 533; in a government like ours there must be some mode to concentrate the votes of the people, 533; what is to be substituted for the caucus mode? 533; motion to lay on the table lost, 534; unfortunate for the amendments that this subject has been introduced, 534; none could be made to affect the next election, 534; review of the past, 534; have now more candidates for the Presidency than ever before, 534; impossible to see how the choice of Electors by districts could affect an election of President, 535.

The dangers of our present system have been shown

in the strongest colors, 585; the small States ask the large to divest themselves of this enormous power by adopting a system of single districts for the choice of Electors, 585; what is the power of the small States on an Election of President by the House, 585; the small States in the House can choose a President against the voice of the large, 586; of what advantage is this power to the small States, which has been exercised but once since the establishment of our government, and was then considered a great calamity, 586; there is a power vested in the small States beyond their numerical strength upon which their existence depends, 586; the district system has a tendency to deprive all the States of a portion of their power, 587; a nomination by a Congressional caucus is a clear violation of the spirit of the constitution, 587; the meeting of some members of the Virginia Legislature, 587; further debate, 588, 589; subject postponed, 540.

In the House.—Resolved to appoint a select committee to inquire into expediency of amending relative to election of President, &c., 594; report of committee, 600.

Road and Canal making power within a State.—In the Senate, resolution relative to, 490; importance of the question, 490; is the power to make roads and canals within the States now vested in the Federal Government, 490; little reason to hope that without some constitutional provision the question will ever be settled, 490; other reasons for the amendment, 491. *See Index*, vols. 1, 2, 3, 5.

ANDERSON, JOHN, case of. *See Index*, vol. 6, *Bribery*.

ANDERSON, RICHARD C. JUN., Representative from Kentucky, 3.

On the amendment of the Journal relative to Missouri, 62. *See Index*, vol. 6.

Appointments, Executive. *See Index*, vol. 5.

Appropriations.—Stoppage of Pay to Debtors of the Government.—In the Senate, an amendment proposed to the Appropriation bill, 195; inexpedient, 196; a declaration that there was no honesty among public officers, 196; officers at a distance might find it difficult to settle their accounts, 196; any man indebted to the people ought to discharge that debt before he receives any more of the people, 196; establish an odious discrimination among public debtors, 196; in this attempt to do right they would fall into the error of doing wrong, 196; object is to compel those who owe the government to pay their debts, 197; further debate, 197; amendment lost, 197; further amendments offered and agreed to, 198.

Cumberland Road, Repair of.—A motion to insert \$9000 for repairs of the Cumberland Road, 196; impolitic to insert this provision in the bill which could not be expected to succeed, 198; appropriation agreed to, 198; enormous amounts already expended on the road, 324; the people of the West have been heavily taxed to build fortifications on the seaboard, 324; how can the repair of this road come within the constitutional provision for the support of the government 324; manner in which the provision has been introduced into the bill, 324; the same reasons that induced the government to build the road should lead them to take care of it, 324; is it an object of sufficient consideration to authorize this appropriation, 325; every Congress for the last ten or twelve years has appropriated money for this object, 325; it is a national road built for a national purpose, 325; motion to strike out carried, 326; question on concurring with the committee to strike out, 328; the question is, by whom the road shall be repaired, 328; whether by the United States, or by the people who use it, 328; it is said, because you have made the road you should be at the expense of repairing it, 329; comparisons have been instituted between the amount of pub-

lic money expended for the benefit of the people in the East and in the West, 329; how can it be said justly that the money expended in a navy has been for the benefit of the East, 329; what has Pennsylvania done? 329; it is expected this road will support itself, 329; all agree that the road shall not be suffered to go to ruin, 330; has Congress the power to legislate on the subject of internal improvements within the States, 331; further remarks, 331; motion agreed to, 331.

Veto Message of President Monroe, 343; the bill, 344; rejection of, 345.

In the House.—The appropriation bill considered, 442; motion to appropriate \$50,000 to repair the Cumberland road, 442; origin of the fund pledged to refund the money which the road cost, 442; road should be kept in repair by tolls for that purpose, 443; objections to this course, 443; if the road were accepted by the States is there any danger it would go to destruction, 443; roads in Vermont, 443; is it not just that this road should maintain itself? 443; Congress keeps in repair ships and fortifications built at the public expense, and why not this road built in the same manner? 444; it is asked what benefit is this road to Maine and Georgia, 444; uncertain whether the States will take it if ceded, 444.

Minister to Lisbon, amount to defray the expense of, considered, 332; boundary line between the United States and Mexico, amount to cover the expense of running considered, 333.

Question on striking out the appropriation for the erection of Fort Calhoun, 335.

Appropriation for Mobile Point considered, 335; facts in the case, 335; incorrect policy to make specific appropriations to fortifications by name, 336; reasons why the United States are absolved from the contract, 336; further debate, 336.

Military.—In the Senate, to purchase a farm at West Point, moved to strike out the appropriation for, 518; no use to purchase this farm with the public house on it, as another can be erected close at hand, 518; liquor obtained at this house and introduced in violation of the rules of the Academy, 518; public houses scattered all over the country, and the expense would be immense if Government should purchase all to prevent their injurious effects on youth, 518; if the purchase is made it must be by cession of the jurisdiction from the State, 518; the object is much greater than the price to be paid, 514; this appropriation would introduce a new principle, that we should purchase out every nuisance that exists in the neighborhood of our public seminaries, 514; bill passed to a third reading, 515.

Diplomatic Corps, reduction of.—Too many ministers now, 679; none needed to Spain and Portugal, 679; moved to strike out *Lima*, as unnecessary, 680; a Charge appointed last year, 680; a large commercial intercourse between us and Peru, 680; further debate, 684.

North Portico of President's House, question on granting the appropriation, 683; this is a part of the original plan of the building, 683; good time now to build it, 683; reasons for doing it, 683; no difficulty to find a tenant without more repairs, 683; no valuable end to be answered by it, 683; appropriation lost, 684.

Pay for Jobs to salaried Officers, question on striking out the clause prohibiting, 706; compensation received by Governors of Territories for extra services, 706; state of the law in relation to these Governors, 706; the laws relative to Governors of Territories and Indian agents, 709. *See Index*, vols. 1, 2, 3, 5.

ARCHER, STEVENSON, Representative from Maryland, 3; on the vote of Missouri for President, 116.

ARCHER, WILLIAM S., Representative from Virginia, 3, 216, 377, 592; on the Missouri Constitution, 38; offers a

resolution relative to the position of Missouri, 57, 59; on the amendment of the Journal, 65; on the vote of Missouri for President, 118; on the death of William Lowndes, 419; on the suppression of piracy, 388; on the suppression of public documents, 433. *See Index*, vol. 6.

Arkansas Territory.—*See Index*, vol. 6, *Territories*.

Arkansas, western boundary, report on, 569.

Army.—In the House, the bill making appropriations for the pay and subsistence of, considered, 258; moved to fill the blank with a certain amount, 258; desirable to see first a statement of the revenue of the country, 258; we are now two months in the new year, and there is nothing to pay the demands on this department, 258; the army and the Revolutionary pensioners suffering for their pay, 258; the first inquiry is, whether we have the money, 254; the bill was reported yesterday, and is not yet dry, 254; unsafe to adjust the appropriations on any calculation of average, 254; further debate on the amount of the appropriation, 255, 256; motion to report the bill to the House, agreed to, 256; report and estimates of the Secretary of War, 271; what has been done for the officers and soldiers of the army, 339; it is said, that to preserve peace, a nation must be prepared for war, 333; at what time will there be war, or what is the adequate measure of preparation? 333; *note*, 333; no probability the United States will soon be at war with any of the nations of Europe, 333; the dangers of an European invasion are past, 333; the militia are the strong bulwark and impregnable defence of the nation, 334.

Army, Reduction of the, bill for, 72.

BB

BAGLEY, THOMAS, Representative from Maryland, 5, 223.

BAILLEY, JOHN, Representative from Massachusetts, 592; on the case of Bailey, 634.

BAKER, CALDER, Representative from New York, 3. *See Index*, vol. 6.

BALDWIN, HENRY, Representative from Pennsylvania, 3, 216; on bank notes in payment of duties, 56; on the amendment of the Journal, 62; on the appropriation relative to Missouri, 93; on the South American Provinces, 97; relative to the affairs in Florida, 233; on expenditure of the Indian department, 223; on military appropriations, 253, 254; on the proposed adjournment, 263; on the appropriation bill, 323, 325. *See Index*, vol. 6.

BALL, WILLIAM LEM, Representative from Virginia, 4, 216, 332, 592; decease of, 514. *See Index*, vol. 6.

Bank Notes in Payment of Duties.—In the House, a resolution to inquire into the expediency of refusing the notes of every bank in payment of duties which issues bills smaller than five dollars, 51; viciousness of the currency where such small notes are issued, 51; efforts making in some of the States to banish them from circulation, 51; the effect which the adoption of such a measure would have in giving preference to the notes of the United States Bank, 51; the committee should inquire whether the Government should not lend its aid to bring about uniformity by excluding small notes, 52; the Secretary of the Treasury has the power to prohibit the reception of these notes, 52; bad policy ever to have permitted the banks to issue notes of less denomination than five dollars, 52; the particular object of this motion is not to benefit the bank, 52; the bank has not fulfilled the duties it was intended to perform, 52; was the circulating medium of the country intended only for men who deal in tens and hundreds? 52; the people expected the Government to do what

was in its power to restore a sound currency to the country, 53; this measure would tend to prevent the exportation of specie, 53; the sooner these small notes are stopped the better it would be for the country, 53; the Bank of the United States has nothing to do with this question, 53; this is the beginning of a system of legislation which looks towards an interference with the State Banks, 53; one bank in a country as objectionable as one head in a monarchy, 53; if Congress has the power to interfere with one dollar notes of the State Banks, it has the power to interfere with all the notes, 53; improper to attempt indirectly a measure we cannot approach directly, 53; resolution passed, 54.

Bank of the United States.—In the Senate, a bill to amend the charter of the United States Bank by appointing officers to sign the bills considered, 173; motion to postpone lost, 173; motion to strike out the first section carried, 173. *See Index*, vols. 1, 3, 4, 5, 6.

Banks of Deposit.—Report of the Secretary of the Treasury relative to, 249.

Bankrupt Act.—In the House, a resolution calling for information relative to the operation of the Bankrupt Law of 1800 considered, 223; information wanted as a guide, 223; extent of the call limited, 223; the proposition is one of a novel character, 224; the information should be obtained through the medium of a committee, 224; further debate—resolution carried, 224.

Bill considered, 223; the whole civilized world, so far as it was commercial, had adopted a bankrupt law, 223; two principal points regarded, security to the creditor and relief to the debtor, 223; differences in the administration of those laws, 223; the Government of our own nation, 224; the operation of the certificate of discharge, 225; the unpopularity of the former law should be attributed to circumstances not really affecting the merits of the system, 225; the principles and leading provisions of the bill, 226; the English system except in some details, 226; how has the system operated in England, 226; this system has totally failed after a full and fair trial, 227; motion to strike out the first section of the bill, 229; effects of this bill upon the people, 229; who may become a bankrupt, 229; it contains no provision for corporations, 229; the principle of the bill an invasion of the rights of man, 229; it is urged that the law provides relief for the unfortunate debtor, 240; there is no constitutional power to discharge a man from his debts, 241; the insolvent laws of the States are preferable to a general system, 241; the constitution provides that the judicial power shall be vested in the Supreme Court, &c., 241; it proposes to incorporate the mercantile community with a system of laws peculiar to themselves, 242. The provision to compel the debtor to surrender his property for the pretended benefit of the creditor, and exonerate the debtor from his obligations, objectionable, 245; this system would change the relations of debtor and creditor, 246; the laws of other nations on this subject, 246; experience of other nations would often prove a fatal guide, 246.

We are now to determine whether a bankrupt law shall embrace every citizen of the nation, and spread its demoralizing influence over the whole surface of society, 250; it has been said by its friends that this bill should be confined to the mercantile classes, 250; will you pass a bankrupt law for the former? 250; a question of constitutional power has now arisen on the amendment to extend the operation of the bill, 251; consider the meaning of the term bankrupt, 251; extent of the meaning, 251; the general spirit of the federal institutions, 251; contrary to the nature and spirit of

- our Government to extend it to all classes of people, 281; who may be declared bankrupts against their will, 282; in what manner is a person to be declared a bankrupt by this bill? 282; what then is the situation this bill places every man within its adverse provisions? 283; details of the bill, 283; what will be the moral and practical effects of this bill with the amendment? 283; what would be the necessary operation of such a law? 283; controversies that would arise, 284; the manifest tendency of the bill to increase the perpetuation of fraud, 284; further details discussed, 285; question on the third reading of the bill lost, 286. *See Index*, vols. 2, 3.
- BARBER, LEVI**, Representative from Ohio, 216, 377. *See Index*, vol. 6.
- BARBER, NOYES**, Representative from Connecticut, 215, 377, 592.
- BARBOUR, JAMES**, Senator from Virginia, 187, 348, 465; on appropriation to the Cumberland Road, 198; on the suppression of piracy, 355; on the British Colonial trade, 360; on the case of Henderson, 434; on additional sloops of war, 504; on amendment to the constitution, 529, 538. *See Index*, vols. 5, 6.
- BARBOUR, JOHN S.**, Representative from Virginia, 592.
- BARBOUR, PHILIP P.**, Representative from Virginia, 4, 216, 592; on the Missouri Constitution, 96; on the amendment of the Journal, 66, 67, 68; reports on a naval peace establishment, 81, 92; relative to Missouri, 88; on the increase of the navy, 120; chosen Speaker, 216; his address, 216; on the report relative to land offices, 307; address as Speaker on a vote of thanks, 464. *See Index*, vols. 5, 6.
- BARSTOW, GIDEON**, Representative from Massachusetts, 215, 408.
- BARTLETT, ISRAHOD**, Representative from New Hampshire, 590.
- BARTLEY, MORDECAI**, Representative from Ohio, 592.
- BARTON, DAVID**, Senator from Missouri, 187, 348, 465; relative to Louisiana land titles, 160; presents a memorial of Cherokee Government, 583.
- BASSETT, BURWELL**, Representative from Virginia, 216, 377, 592; relative to public defaulters, 321; on the disbursement of public money, 373, 390; on Canadian refugees, 411; on road from Memphis to Little Rock, 615. *See Index*, vols. 3, 4, 5, 6.
- BATEMAN, EPHRAIM**, Representative from New Jersey, 3, 216, 377. *See Index*, vols. 5, 6.
- BATES, JAMES WOODSON**, Delegate from Arkansas, 3, 217, 377. *See Index*, vol. 6.
- Batture at New Orleans.*—*See Index*, vol. 4. *Do. St. Louis.* *See Index*, vol. 6.
- BAYLIES, FRANCIS**, Representative from Massachusetts, 215, 377, 592; on the occupation of the Columbia river, 400; on the duty on woollens, 676; on the duty on tallow, 695.
- BARROWS, DANIEL**, Representative from Connecticut, 215, 378; on the Indian department, 290.
- BEAUMARCHAIS, claim of.**—In the House, a message relative to, 189, 317; letters of Baron Neville to the Secretary of State, 317, 318; the subject referred to a committee who did not report on it, motion to refer again, 378; ought not to take the course of common claims, 378; referred to a special committee, 378; report, 423. *See Index*, vols. 3, 4, 6.
- BECKERS, PHILEMON**, Representative from Ohio, 3, 592. *See Index*, vol. 6.
- BEIL, SAMUEL**, Senator from New Hampshire, 465.
- BENTON, THOMAS H.**, Senator from Missouri, 143, 353, 465; offers a resolution relative to Louisiana land titles, 159; 160; offers a resolution for information relative to lands donated for certain Christian Indians, 160; remarks, 161; *note*, 164; on land titles in Missouri, 176; on the Indian factory system, 180, 189; offers resolutions relative to persons of Indian blood, 189; offers a resolution relative to revenue from lead mines, 201; on the fur trade of the west, 201; on the lead mine leases of the Upper Mississippi, 207; offers a resolution respecting officers of the army, 211; reports a bill for the sale of the lead mines, 358; offers a resolution relative to the occupation of the north-west coast, 363, 366; on the sale of the lead mines and salt springs, 368; offers an amendment of the constitution, submitting the election of President, &c., to a direct vote of the people, 472; against the case of Henderson, 438; reports on the amendments to the constitution, 425, 496; reports on western boundary of Arkansas, 540, 589, *note*, 540; offers a resolution on Lake Superior copper mines, 540; on the Indian fur trade, 543, 552, 554; on selling refuse lands, 567; on the duty on cotton, 581; relative to the use of American hemp, 586.
- BIGELOW, LEWIS**, Representative from Massachusetts, 215, 377.
- Bills, Money.*—*See Index*, vol. 1.
- Bills*, last day for sending from either House, 589, *note*, 589.
- BLACKLEDGER, WILLIAM**, Representative from North Carolina, 217, 377.
- BLAIR, JAMES**, Representative from South Carolina, 216; on a call for information relative to the former bankrupt laws, 223.
- BLAIR, JOHN**, Representative from Tennessee, 592.
- Blank Ballots, shall they be counted?*—*See Index*, vol. 4.
- BLOOMFIELD, JOSEPH**, Representative from New Jersey, 3. *See Index*, vol. 6.
- Blue Lights, as signals to the enemy.*—*See Index*, vol. 5.
- BOARDMAN, ELIJAH**, Senator from Connecticut, 187, 348; decease of, 473.
- BODEN, ANDREW**, Representative from Pennsylvania, 17. *See Index*, vol. 6.
- BORLAND, CHARLES, JR.**, Representative from New York, 216, 373.
- Bounty to fishing vessels.*—*See Index*, vol. 5. *Duties, &c.*
- BRADLEY, WILLIAM C.**, Representative from Vermont, 592. *See Index*, vol. 5.
- BRANCH, JOHN**, Senator from North Carolina, 466; on amendments to the constitution, 538.
- Breach of privilege.*—*See Index*, vols. 2, 4.
- BROCK, SAMUEL**, Representative from Pennsylvania, 592.
- BROCKENRIDGE, JAMES D.**, Representative from Kentucky, 223, 377; on the appropriation for the Cumberland road, 324; on a western armory, 426; on the suppression of public documents, 441. *See Index*, vol. 5.
- BROCKENRIDGE, Rev. Mr.**, chosen chaplain of the House, 379. *See Index*, vol. 5.
- BRENT, WILLIAM L.**, Representative from Louisiana, 592; on Maison Rouge's claim, 616.
- BREYARD, JOSEPH**, Representative from South Carolina, 3. *See Index*, vol. 6.
- Brigbery.*—*See Index*, vol. 1, 6.
- British Aggressions on our commerce.*—*See Index*, vol. 3.
- British Intrigues.*—*See Index*, vol. 4.
- British Minister, conduct of.*—*See Index*, vol. 4.
- British West India Trade.* *See Index*, vol. 6.
- BROWN, ETHAN ALLEN**, Senator from Ohio, 154, 343, 466; relative to propagating the gospel among the heathen, 164.
- BROWN, JAMES**, Senator from Louisiana, 187, 343, 465; on the suppression of piracy, 355; on the roads in Florida, 509, 510. *See Index*, vols. 4, 5, 6.
- BROWN, JOHN**, Representative from Pennsylvania, 216, 377, 592.
- BROWN, WILLIAM**, Representative from Kentucky, 3; on the amendment of the journal, 67; on the South American Provinces, 97; on the report of the Committee of Thirteen, 101; on repealing the Missouri Compromise, 124. *See Index*, vol. 6.
- BRUSH, HENRY**, Representative from Ohio, 3; on the amend-

- ment of the journal, 68, 69; on the South American Provinces, 99. *See Index*, vol. 6.
- BRYAN, HENRY, H., Representative from Tennessee, & *See Index*, vol. 6.
- BUCHANAN, JAMES, Representative from Pennsylvania, 216, 389, 592; on expenditure of the Indian department, 230; on militia fines, 283; on transactions in Florida, 265; on the bankrupt bill, 280; on the exchange of certain stocks, 318; on the appropriation bill, 323; offers a resolution relative to militia fines, 337; on crimes on the high seas, 442; on costs in patent cases, 618, 614; on a monument to Washington, 639, 640; on the duty on iron, 673; on the duty on woollens, 676; on the tariff, 737.
- BUCK, DANIEL A., Representative from Vermont, 592.
- BUCKNER, RICHARD A., Representative from Kentucky, 592.
- BUFFUM, JOSEPH, JR., Representative from New Hampshire, 3. *See Index*, vol. 6.
- BURLEIGH, WILLIAM, Representative from Maine, 591.
- Burning of the Library of Congress.*—*See Index*, vol. 5.
- BURTON, HUTCHINS G., Representative from North Carolina, 6, 216, 377, 593; on bank notes in payment of duties, 58; on vaccination, 243, 297. *See Index*, vol. 6.
- BURWELL, WILLIAM A., Representative from Virginia, 3; on a national vaccine institution, 8; decease of, 123. *See Index*, vols. 3, 4, 5, 6.
- BUTLER, JOSIAH, Representative from New Hampshire, 3, 215, 377; relative to Missouri, 84, 94. *See Index*, vol. 6.
- BUTLER, THOMAS, Representative from Louisiana, 3; on the amendment of the journal, 64; on expenditure of the Indian department, 230; on Max's contract for stone, 337. *See Index*, vol. 6.
- C
- CADY, JOHN W., Representative from New York, 592.
- CALHOUN, JOHN C., letter on the civilization of the Indians, 247; letter relative to Revolutionary pensions, 361. *See Index*, vols. 4, 5, 6.
- CALL, RICHARD K., Delegate from Florida, 593; on roads in Florida, 610, 611; on the appropriation bill, 707.
- CAMERLUNG, CHURCHILL C., Representative from New York, 216, 377, 592; on Mix's contract for stone, 337; on the collection of duties, 344; on the suppression of piracy, 337; on a pension for the mother of Com. Perry, 594; on the accounts of Tompkins, 596; on naval pensions, 606; on the duty on woollens, 673; on the duty on tallow, 697.
- CAMPBELL, JOHN W., Representative from Ohio, 3, 216, 378, 592; on the appropriation bill, 324; on the road from Ohio to Michigan, 416; on the suppression of public documents, 429, 433; on Malson Rouge's claim, 616. *See Index*, vol. 6.
- CAMPBELL, ROBERT, Representative from South Carolina, 592.
- CAMPBELL, SAMUEL, Representative from New York, 216, 377; on the resolution relative to Missouri, 60; on the admission of Missouri, 83.
- Canadian Refugees.*—In the House, a resolution relative to reviving the acts respecting, 410; pledges of the nation to make provision for those persons, 410; all that has been done has been of limited duration, 410; if the cases are few, it would be better to act on them individually, than by a general law, 411; on principle that reliance is placed, 411; resolution lost, 411. *See Index*, vols. 2, 5.
- Canal in Florida*, petition for, 709; report on, 724.
- CANNON, NEWTON, Representative from Tennessee, 3, 216, 377; offers a resolution relative to West Point Academy 11; offers a resolution relative to the Military Academy, 54; on transactions in Florida, 265; on the proposed adjournment, 267.
- Caracacas, relief of.*—*See Index*, vol. 4.
- CARTER, JOHN, Representative from South Carolina, 389; on the Tariff, 713.
- Carver Grant*, the resolution relative to, considered, 32; report on the, 336; memorial respecting, 363.
- CARY, GEORGE, Representative from Georgia, 592; on a monument to Washington, 640.
- CARR, WALTER, Representative from New York, 3. *See Index*, vol. 6.
- CASNEY, GEORGE, Representative from New Jersey, 216, 377, 592.
- CATLIN, ALFRED M., Representative from North Carolina, 592.
- Caucus, Congressional.*—*See Index*, vol. 5, and *Index*, vol. 7, *Amendments to the Constitution*.
- CAVENDER, JAMES, Representative from Maryland, 216.
- CAVENDISH, ENRIKO, resolution relative to, 592, 593.
- CAVALLA, GOVERNOR, his statement, 271.
- CHAMBERS, DAVID, Representative from Ohio, 216, 377; on the appropriation bill, 331.
- CHANDLER, JOHN, Senator from Maine, 343, 465; on military roads in Maine, 156; on the suppression of piracy, 33; on building sloops-of-war, 491, 494; on roads in Florida, 510; on purchase of a farm near West Point, 513; on striking out the duty on hemp, 570. *See Index*, vol. 6.
- Charitable Objects.*—*See Index*, vol. 1.
- CHARR, Judge, official conduct and trial of.—*See Index*, vol. 1.
- Cherokee Indians*, communication relative to, 595; Government memorial of, 588.
- Chesapeake, frigate, attack on.*—*See Index*, vol. 2.
- Christian Indians* in Ohio, memorial of, 593; report, 370.
- CLAGGETT, CLINTON, Representative from New Hampshire, 3; on the South American Provinces, 94. *See Index*, vol. 6.
- Claim of Virginia*, message respecting, 543. *See Virginia*.
- CLARK, LOT, Representative from New York, 592.
- CLARK, ROBERT, Representative from New York, 3; on the admission of Missouri, 107; offers a resolution relative to the admission of Missouri, 123; on the duty on iron, 724, 726.—*See Index*, vol. 6.
- CLARK, MATTHEW ST. CLAIR, chosen Clerk of the House, 373, 593.
- CLATTON, THOMAS, Senator from Delaware, 493. *See Index*, vol. 5.
- Clock*, allegorical ornament for the, in Senate, 593.
- CLAY, HENRY, Representative from Kentucky, 71, 592; resigns Speakership of the House, 4; relative to Missouri, 83, 84, 95, 93; moves a Committee of Thirteen, 97; on the South American States, 93, 95, 96; on the report of the Committee of Thirteen, 100; on reconsidering the vote relative to Missouri, 105; offers resolutions relative to the vote of Missouri for President, 113; on do, 114, 115, 190; reports on the Spanish American Republic, 124; moves a joint committee relative to Missouri, 126; moves a vote of thanks to the Speaker, 131; elected Speaker, 592; his address, 592; on relief of Sarah Perry, 624, 626; on surveys of roads, 626; on surveys for roads and canals, 634; on the duty on molasses, 703, 704; on the tariff, 707. *See Index*, vols. 3, 4, 5, 6.
- Claims against the United States* considered, 550.
- Coast Survey.*—*See Index*, vol. 3.
- COBB, THOMAS W., Representative from Georgia, 3, 592; offers resolutions relative to a reduction of expenditures, 6; on the reduction of expenditures, 54; on bank notes in payment of duties, 54; offers resolutions relative to a limitation of the naval force, 61; on the amendment of the journal relative to Missouri, 62; relative to Missouri, 87; on the appropriation relative to Missouri, 93, 96; on the South American Provinces, 97; on naval pensions, 605, 606; on relief of Sarah Perry, 622. *See Index*, vol. 6.
- COOK, JOHN, Representative from Tennessee, 4, 216, 377.

593; on the reorganization of the navy, 348; on transactions in Florida, 358; on the appropriation bill, 339; on military appropriations, 385; on hostile expeditions, 384; on charges against Judge Tait, 411; on the road from Ohio to Michigan, 415; on the accounts of Tompkins, 506; on roads in Florida, 611; on contingencies, 699; on paying salaried officers for job work, 706. *See Index*, vol. 6.

Cocoa.—Duty abolished, 585.

Cod Fisheries.—*See Index*, vols. 1, 2, and *Duties on Imports*, vol. 5.

Cotes and Mint.—Report relative to, 424; foreign report on, 437. *See Index*, vol. 6.

COLBURN, REUBEN, case of, 517.

COLDEN, CADWALLADER D., Representative from New York, 377; on expenditure of the Indian department, 399; on transactions in Florida, 358, 359; on fugitive slaves, 396; on hostile expeditions, 383; on the suppression of piracy, 389; on reward for capturing pirates, 389.

COLLINS, ELA, Representative from New York, 592.

Columbia River.—Resolution relative to the occupancy of, 50; report on the occupation of, 74.

In the House.—A bill to provide for the occupation of the mouth of the Columbia River considered, 392; this step will be on precisely the same principle which has directed the progress of population from the first moment the English landed in Virginia, 393; the settlement on the Oregon connecting the trade of that river and coast with the Missouri, is to open a mine of wealth to the shipping interests, &c., 392; these rivers water a country where the best furs in America are taken, 393; most of the hunting ground on the Missouri has been for a long time in possession of the British traders, 393; the value of this trade in the hands of the English, when it has been encouraged and attended to, 393; something to encourage us in contemplating this trade, but much to humble our boasted spirit of enterprise, 393; were this trade pursued in connection with our whale fisheries, we could purchase the whole supplies of the United States in the Canton market without a dollar taken out of the country, 394; the whale fishery, 394; its amount, 394; the China market, 394; its trade, 395; it is said the Canton trade is ruinous to us, as draining the country of its specie, 395; source of much of the profits of this trade, 396; the route to the mouth of the Columbia is easy, safe, and expeditious, 397; it is said the settlement in Oregon may produce bad consequences to this country, 398; the lands of Oregon are well adapted to the cultivation of grains, 398; Prevost's report of his mission, 399.

This territory has been fairly purchased from France by the United States, and its limits recently and distinctly marked by our late treaty with Spain, 399; every Territory is entitled to and has been protected by a Territorial Government progressing with its population, 399; the expense of the Territorial Governments contemplated by this bill, 400; the extent of the whale fishery, 400; letter of Mr. Hawes, 401; statements of others, 401; it is said that by the adoption of this measure the limits of our empire would be extended too far, 401; it is said the chances of war might be increased, 402; we have the ability to protect our trade on that ocean, 402; importance of the Northwest Trade, 402; magnificent prospects open upon our view in relation to commerce on the Pacific Ocean, 402; it has been said that this is a colonizing plan, 403; the colonizing States of ancient times have been the most powerful, 403; Spain, Portugal, France, England, 403; was Great Britain more powerful, wealthy, and happy before she began to colonize, than now? 404; future prospects, 404.

This is calculated to draw off our capital and population to a point where they will be less efficient and use-

ful than at present, and where they must eventually be lost to these States, 404; the whole country east of the Rocky Mountains is bound together by the strongest and most indissoluble ties, 405; the whale fishery does not require your protection or encouragement, 405; resolution laid over, 406; motion to take up the bill lost, 421. *See Northwest Coast*.

COLUMBUS, portrait of, 481.

Commerce and Navigation.—Letter of Secretary of the Treasury, 417.

Commerce of the United States.—*See Index*, vol. 1.

Committee, joint, election of, in the House, 123; report of, 198; of thirteen, appointed, 92; report of, 94.

Compensation of Members.—*See Index*, vol. 5, *Pay of Members*.

Compensation of President and Vice-President.—*See Index*, vols. 1, 2.

CONDIOR, LEWIS, Representative from New Jersey, 216, 377, 592; relative to public defaulters, 391; on the appropriation for the Cumberland road, 324; on the suppression of piracy, 381. *See Index*, vols. 4, 5.

Congress.—First session of 17th convenes, 137; 1st session of 17th adjourns, 346; 2d session of 17th convenes, 343; adjourns at close of 2d session of 17th Congress, 464; 1st session of 18th convenes, 465.

COWKLING, ALFRED, Representative from New York, 216, 377.

COWPER, Henry, Representative from North Carolina, 216, 377, 592.

Contested Election of seat of delegate from Michigan, 595; report on, 629; *note*, 639.

Contested Election.—In the House—Shall a printed ballot, having the stroke of a pen drawn through it, be admitted as a valid vote? 618; blank votes do not furnish a case in point, 618. *See Index*, vol. 1, 3, 5.

Contingent Expenses.—*See Index*, vols. 3, 5.

Contingencies.—Debate on the appropriation for, 699, 700.

Contracts, Government.—*See Index*, vol. 2.

Controversies between States.—*See Index*, vol. 5.

CORWAY, HENRY W. delegate from Arkansas, 592; on road from Memphis to Little Rock, 615.

Convoy System.—*See Index*, vol. 4.

COOK, DANIEL P., Representative from Illinois, 2, 216, 377, 592; on the Missouri Constitution, 49; on the amendment of the Journal, 62, 64, 68; on the South American Provinces, 98; on the report relative to Land Offices, 307; on the suppression of public documents, 433; on the appropriation bill, 707. *See Index*, vol. 6.

Cordage, Drawback on.—In the Senate, a bill to allow a drawback on cordage manufactured from foreign hemp, 190; policy of the measure as regards home grown hemp questionable, 190; it will encourage the exportation as well as importation, 190; example of other countries, 190; bill postponed, 191; rejected, 192.

Costs in Suits by Patentees.—In the House, a bill concerning, considered, 606; the general law forbids the recovery of costs in the Federal Courts when the amount of judgment is less than five hundred dollars, 606; in patent cases, strong reasons why it should be reduced, 606; these cases come exclusively under the jurisdiction of the Federal Courts, 607; moved to reduce the minimum to thirty dollars, 607; one hundred made the minimum, 613.

What is the law in the case of Patentees as it now stands? 613; this bill proposes to superadd costs to the treble verdict, 613; why should not suitors under the patent law be placed on the same footing as others in regard to the verdict? 613; it is to encourage inventions that our patent laws are designed, 614; pretenders to every thing, 614; in restricting the recovery of the patentee justice would not be done him, 614; a wise

- legislator is bound to give equal protection to the rights of all, 614; further debate, 615; bill recommitted, 615.
- Courts, reorganization of, report on, 468; for the trial of claims, debate on, 565.*
- CRAFT, SAMUEL C., Representative from Vermont, 3, 315, 377, 592. *See Index, vol. 6.*
- CRANE, HECTOR, Representative from New York, 392.
- CRAWFORD, JOHN, Representative from Georgia, 2.
- CRAWFORD, W. H., communicates an estimate for appropriations for 1823, 328; letter relative to deposits in banks, 373; letter on the suppression of public documents, 453. *See Index, vols. 2, 4, 5, 6.*
- Crimes on the High Seas.*—In the House, a resolution offered, to inquire what crimes on the high seas are not punishable by law, 443; it is said the Courts have not power to punish any act, no matter how criminal in its nature, unless Congress has declared it to be a crime, 443; offenses at common law not declared such by act of Congress, are not within the jurisdiction of the Federal Courts, 443; consequences, 443; a defect in our system which requires a remedy, 443; resolution adopted, 443.
- CROWELL, JOHN, Representative from Alabama, 3.
- CROWTHER, BENJAMIN W., Representative from Massachusetts, 392; on naval pensions, 605.
- CRUDUP, JOSEPH, Representative from North Carolina, 314, 373.
- Cuba, Emigrants from.*—*See Index, vol. 4.*
- CULBERT, THOMAS, Representative from Maryland, 7; on the amendment of the Journal, 68; on the election of President, &c., 114. *See Index, vol. 6.*
- CULPNER, JOHN, Representative from North Carolina, 3, 592. *See Index, vols. 2, 4, 5, 6.*
- CUTHBERT, JOHN A., Representative from Georgia, 32, 323, 369; on the Greek cause, 603. *See Index, vol. 6.*
- Cumberland Road.*—President's veto of, 343; the bill, 344.
- Cumberland Road.*—*See Appropriations and Index, vols. 2, 4, 5.*
- CUSHMAN, JOSEPH, Representative from Massachusetts, 3; on the admission of, 69; representative from Maine, 314, 377, 591; on the appropriation bill, 603. *See Index, vol. 6.*
- D
- DANE, JOSEPH, Representative from Maine, 32, 314, 377.
- DARLINGTON, WILLIAM, Representative from Pennsylvania, 3, 316, 377. *See Index, vol. 6.*
- DAVIDSON, WILLIAM, Representative from North Carolina, 3. *See Index, vol. 6.*
- DAY, ROWLAND, Representative from New York, 592.
- Debates, Reporting of.*—*See Index, vol. 2.*
- Defensive measures against Great Britain under John Adams.*—*See Index, vol. 2.*
- Delegates from Territories.*—*See Index, vol. 1.*
- DEKALB, BARON, resolution for a monument to, 387.
- Delaware Canal Company, Report on, 566.*
- DEMMON, GEORGE, Representative from Pennsylvania, 5, 314, 377. *See Index, vol. 6.*
- Deposits in Banks, Report on, 373.*
- Deserters, Bounty to.*—*See Index, vol. 5.*
- DE WITT, JACOB H., Representative from New York, 3. *See Index, vol. 6.*
- DEY, ANTHONY, Petition of, 373.
- DICKERSON, MARION, Senator from New Jersey, 137, 343, 446; offers a resolution relative to an amendment of the constitution, 473; on amendments to the constitution, 331, 595; on the Indian Fur Trade, 550, 556; on the Tariff, 563. *See Index, vols. 5, 6.*
- DICKINSON, JOHN D., Representative from New York, 3, 316, 377. *See Index, vol. 6.*
- Diplomatic Interference.*—*See Index, vol. 2.*
- Disbursement of Public Money.*—In the House, a bill relative to, considered, 379; care in drafting the bill, 373; catalogue of defalcations presented at the last session, 379; officers have recently died greatly in debt to the government, 379; time the system was changed, 379; bill ordered printed, 379; bill further considered and amended, 386; question on its passage, 390; present system has been in operation thirty years, 390; losses since the commencement of the Government, 390; further debate, 391.
- District of Columbia, Bill relative to, 391.* *See Index, vols. 2, 3, 6.*
- Divorce, a case of before the Senate, 376; debate in the Senate on application for, 376.*
- Divorces in the District of Columbia.*—*See Index, vols. 2, 4.*
- Domestic Manufactures.*—*See Index, vol. 5.*
- Draughts.*—*See Index, vol. 1; Duties on Imports.*
- Duelling.*—*See Index, vol. 6.*
- DOUGHERTY, THOMAS, elected Clerk of the House, 311. *See Index, vols. 5, 6.*
- DUNE, THOMAS, chosen Sergeant at Arms, 311, 593. *See Index, vol. 6.*
- DURRIN, JOH, Representative from Rhode Island, 315, 377, 381.
- Duties on Imports.*—In the Senate, a bill to amend the several acts imposing duties on imports considered, 563; proviso moved that the provisions of the bill should not extend to imports eastward of the Cape of Good Hope, 563; agreed to, 563.
- Iron.*—Moved to strike out ninety cents on the hundred and twelve pounds, 563; great importance of this article to all classes, 563; the fate of the bill depends very much upon the treatment of this article, 563; we have the means of making as much iron as we want, 563; the advance price our labor bears over the degraded population of Europe, 563; a principle of the Government to encourage the interests of the people, 563; the Russian trade, 563; this article one great branch of the whole system included in the bill, 563; duty on iron stricken out, 569.
- Hemp.*—Moved to strike out on hemp, two cents per pound, 569; importance of the article, and the improbability of a sufficient production to meet the demand for consumption, 569; in vain may we look for heroes if our country is destined to be dependent on powers hostile to us for the greater part of what renders life convenient and honorable, 570; high time the policy should change, 570; the protection of one State against another was but a plan to make one to enrich another, 570; first articles to receive Government aid, 571; state of the markets for these articles, 571; it is said hemp cannot be purchased and dressed in such manner as to answer the purpose for our merchant vessels, 571; these objections founded in mistakes; 571; the blessings of Kentucky, 573; and now we are to be taxed to find a market for Kentucky hemp, 573; the bill designed to encourage all branches of the manufactures of the country, 573; this duty not so injurious to the Atlantic States as they imagine, 573; more been done for the commerce of the country than for all other interests put together, 573; when hemp was out, the duck would go, and all the rest of the bill with it, 573; duty on hemp struck out, 573.
- Cotton Bagging.*—Moved to strike out all that increases the duty above four and a half cents after June 30, 1823, 573; improbability of raising sufficient of the raw material, 573; the act of 1816 and proceedings on its passage, 573; the present bill contains the new principle of progressive duties, 573; the object now prohibition, 573; it assumes that the Government is capable of regulating industry better than individuals, 573; this system is only

a part of that system of tyranny and arbitrary rule to which men have been subjected in every age, 574; matter for curious speculation if the various regulations could be presented in one view, 574; to understand the true remedy for existing evils we must ascertain their nature and extent, 575; no want of the necessities or conveniences of life, 575; motion carried, 578; moved to strike out the duty, 584; lost, 584.

Cotton Minimums.—Moved to strike out the proviso establishing the minimum, 576; review of the succession of national projects which have heretofore promised national blessings and inflicted national calamities, 576; operation on the respective States, 577; it is said the balance of trade is against us, 578; history offers us many proofs that this balance is imaginary, 578; instances, 578; it is said that competition will destroy prosperity, and also that it will produce it, 578; the regret for the loss of war and embargoes is an illustration of the prosperity to be reaped from the destruction of competition, 579; the doctrines of competition, 579; tariffs are simply excises with only one difference, 579; this is not a tariff to encourage manufactures, it is a bill of bargains to enrich a pecuniary aristocracy, 580; further debate, 581; the duty now imposed will fall on the rich and luxurious, 582; beneficial to the revenue, 583; motion to strike out lost, 583.

Wool.—Moved to strike out the duty on manufactured wool, 583; the duty should be an *ad valorem* one owing to the different qualities of the article, 583; no manufacture more worthy of protection than woollens, 582; amendment moved to strike out so much as makes the duty over twenty-five per cent. and lost—thirty carried, 588.

Silk, East Indian.—Moved to impose twenty-five per cent., 583; moved to insert thirty, 583; both motions lost, 584.

Wool Manufactured.—Moved to strike out over thirty per cent. duty, 584; carried, 584.

Worsted Stuff Goods.—Moved to amend so as to make the duty on worsted stuffs twenty-five per cent., 584; carried, 585.

Blankets.—Moved to make the same duty on blankets as on worsted stuffs, 585; carried, 585.

Frying Pans.—Moved to strike out the duty of four cents per pound, 585; carried, 585.

Cocoa.—Moved to strike out the duty on cocoa, 585; carried, 585.

Question on the passage of the bill, 586; carried, 586.

In the House.—Nothing proposed but to extend and equalize a system which experience had shown to be most beneficial, 666; one object to secure in part a market for raw materials, 666; to sustain European agriculturists in articles we require, 666; to create internal resources, 666; duties of two classes, revenue and protective, 666; capacity to produce iron and hemp, 666; how the question of protection is considered, 667; the tribute we pay to foreigners, 667; it is thought prices will advance equal to the duties, 667; a mistake, 668; details of the bill, 668.

It is a protective and not a revenue bill, 668; the Union not prepared for this state of things, 669.

Cotton Bagging.—Question on striking out the duty, 669; this subject does not belong to the Government of the United States, 669; it is not for the common defence or general welfare, 669; to say that the culture of cotton had been protected by legislation was an insult to the understanding, 669; the manner of manufacture of cotton bagging shows the impolicy of its protection, 669; the argument that the consumer and not the grower of cotton paid the duty, examined, 670; the

proposition for this duty introduces a novel principle in legislation—the protection of manufactures—rather the creation of manufactures, 670; further remarks, 670.

Iron.—Motion to strike out the duty on bars or bolts not manufactured by rolling, 673; cause a corresponding increase of price to every farmer or mechanic, 673; the benefit of the duty confined to two or three of the States, 673; the question is on the increase of the present duty from \$15 to \$23, 673; cost to manufacture bar iron, 673; manufacturers of iron in Pennsylvania, 673; foreign iron is rapidly driving domestic competition out of the market, 673; can any statesman regard this process with indifference? 673; what do we ask by this bill for the manufacturers of iron? 673; the proposed addition to the duty will increase the revenue, 674.

Woollens.—Motion to alter the minimum on woollens, 675; the amendment alters the whole character of the bill by striking out one of its most important parts, 675; it will raise the price to the consumer and not benefit the manufacturer, 675; reason of the motion, 675; the country fully able to raise all the wool it needs, 675; not so, 676; the bill will diminish the importation of woollen goods one-half, 676; the amendment a measure of mutual conciliation, 676; coarse wool should not be excluded from importation, 676; exclude the coarse bad wool from abroad and you will soon have a better article, 677; the duty now proposed is not a prohibition, 677; further debate, 673, 679.

Tallow.—Moved to strike out the duty on tallow, 695; an increased duty will prevent its manufacture and limit its export, 695; tallow chandlers have the benefit of the drawback, 695; it will promote the interest of growers of cattle, 696; how the farmers support the whale fishery, 696; a vast variety of interests involved in it, 696; the Navy is the protection of commerce, 696; it must be manned by young, hardy and active seamen, 696; extract from Burke's speech on America, 697; the proposed duty will not be any relief to those engaged in the fisheries, 697; the cheapness of Russian tallow, 697; claims of the whalers to the protection of the country, 698; arguments against the duty considered, 698.

Wines.—Moved to increase the duty ten cents on certain wines, 703; wine-growing countries always poor, 703; a reduction of duty on low-priced wines had always increased the revenue, 703; motion lost, 703.

Molasses.—Moved to increase the duty on, 703; object to encourage the production of the raw material, 703; the increase in the import is so great as to threaten the supplanting of the raw material, 703; molasses ought to be considered a source of revenue, 703; the proposition is to tax the labor of the country, 703; the quantity of sugar imported at different periods, 704; this increase of duty would diminish the revenue, 704; duty fixed at ten cents per gallon, 704; two classes divide the country, those in favor of revenue with incidental protection, and those in favor of protection, 707; the general distress which pervades the whole country, 708; what is the cause of this unhappy condition? 708; the effect of the altered state of Europe has been to circumscribe the employment of our marine, and reduce the value and produce of our territorial labor, 709; foreign nations cannot, if they would, take our surplus produce, 709; great diversity of interests comprised in our confederacy, 710; considerations that invite us to adopt the policy of this system, 710; if the benefits of this policy were confined to certain sections of the country, would it not be satisfactory to behold American industry thrifty? 711; appeal to the friends of the tariff

711; *note*, 712; this is said to be a question between the friends of an American policy, and the opposers of it, 712; causes of the depression of the country, 712; objections to the arguments in favor of the tariff, 714; doctrine of prohibition preposterous, 715; what relief does the bill propose to the foreign trade? 715; its situation is extremely critical, 716; the duty on woollen manufactures, 716; the manufacture of cotton, 717; the prices of labor in those countries whence we obtain our iron, 718; no change ought to be made in any existing law unless the reasons be strong, general and evident, 718; it is said the proposed increase of duty is small, 720; the effects of this measure on the maritime strength of the country, 720; examination of some branches of our manufactures, 722; the manufacture of iron, 722; the manufacture of cotton, 722; our woollen factories, 722; the interests of large moneyed capitalists is distinctly to be traced in the present outcry, 722; demoralizing effect of a general introduction of the manufacturing system, 722; the tendency of this policy to perpetuate itself, 722; a policy unbecoming the destinies of our republic, 722; we are surrounded on all sides by the ocean, 722.

Moved to reduce the duty on iron from one dollar twelve cents to ninety cents, 724; items of expense in making a ton of iron, 724; what is the object of the bill? 724; it proposes to load with duties one of the staple necessities of agriculture and manufactures, 724; it is an unjust and oppressive burden, 725; objections examined, 725; reply, 726; serious distrust must be felt at any scheme having for its objects a diversion of the capital and labor of the country, 727; the production of a country must depend upon its capital and labor, 727; cannot produce wealth by legislating an alteration in the pursuits of the people, 728; Hamilton's opinions, 728; the Upland cottons, 728; amendment proposed and accepted or rejected, 729, 730.

Moved to reduce the minimum on woollens from eighty to forty cents per square yard, 731; this measure is designed through manufactures to relieve the poverty and distresses of the agricultural portion of the people, 731; the exports, 731; further remarks upon relief, 732; the late war was a war for commerce only, 732; one species of commerce to which we are opposed, the bringing from abroad the common necessities of life, 734; it is apprehended that the encouragement of domestic industry will injure the public revenue, 735; motion carried, 736; refused in the House, 737; the third act ever passed the Congress, 738; these discriminating duties and the unexampled increase of our tonnage alarmed Great Britain, 738; these acts went farther to protect our navigation than the present bill proposes to go in favor of any branch of manufactures, 739; how our ship-builders are protected, 739; the arguments against this bill would apply to the protection of the navigating interest, 740; state of American tonnage, 740; care with which the Government has fostered its navigation, 741, 742; farther remarks, 742; farther amendments offered, 744.

Moved to change the duty on woollens to an *ad valorem*, 745; the greatest degree of national and individual wealth is obtained by permitting labor, skill and capital to find their own employment, 746; the revenue afforded by commerce, 746; every branch of lawful industry is entitled to an equal portion of your fostering care, 746; much to be regretted that this subject is not better understood, 747; agriculture is the first and noblest employment of man, 747; it is said there are two classes of politicians in this country, 748; benefits of the tariff of 1816, 748; it is said our commerce is destroyed, therefore this bill cannot injure it, 749; it is

said look at the petitions from every section of the country, 750; motion carried, 751.

Moved to impose two cents on brown and three on white sugar per pound, 751; the argument in favor of this duty suicidal, 751; indefinite postponement of the bill moved, 752; no nation more rapidly advanced in prosperity than this, 752; House inundated with petitions and memorials of noisy manufacturers, 754; a balance of trade always in favor of England while she maintains her credit system, 755; this bill annihilates our foreign commerce, 755; the people of the Eastern States should be the last to support this measure, 756; the distress of the country, 756; amendments proposed, 757; other motions made, 758; *note*, 759; farther debate, 760; indefinite postponement lost, 760; bill ordered to be engrossed, 761. *See Index*, vols. 1, 2, 3, 4, 5, 6.

Duties on Tonnage.—*See Index*, vol. 1.

DWIGHT, HENRY W., Representative from Massachusetts, 215, 277, 592; on aid to the Greeks, 410.

DWINELL, JUSTIN, Representative from New York, 592.

DZWOLF, JAMES, Senator from Rhode Island, 187, 254, 472; on the suppression of piracy, 154; offers a resolution relative to drawbacks, 155; on a drawback on cordage, 189, 190; on the Tariff, 509.

E

EARLE, ELIAS, Representative from South Carolina, 2. *See Index*, vols. 4, 5, 6.

EATON, JOHN H., Senator from Tennessee, 187, 242, 472; on stopping pay to military officers indebted to the Government, 196; offers a resolution relative to the importation of slaves, 201; on striking out the duty on hemp, 572. *See Index*, vol. 6.

EATON, LEWIS, Representative from New York, 592.

EDDY, SAMUEL, Representative from Rhode Island, 2, 215, 277, 592. *See Index*, vol. 6.

EDWARDS, HENRY W., Representative from Connecticut, 2, 215, 277; Senator from Connecticut, 465. *See Index*, vol. 6.

EDWARDS, NINIAN, Senator from Illinois, 144, 242, 472; on appropriations of land for education, 165; on the lead mine leases, 209; on the case of Henderson, 424. *See Index*, vol. 6.

EDWARDS, SAMUEL, Representative from Pennsylvania, 2, 277, 592. *See Index*, vol. 6.

EDWARDS, WELDON N., Representative from North Carolina, 2, 215, 277, 592; on the amendment of the journal, 63, 64; on the admission of Missouri, 106; on the affairs of Florida, 222; on the proposed adjournment, 293; on the suppression of public documents, 420. *See Index*, vols. 5, 6.

Election of President and Vice President.—*See Missouri. Election of President.*—*See Index*, vol. 1.

Eligibility of John Bailey, a resident at Washington, to a seat in the House from Massachusetts.—In the House, the report of the committee against Bailey's right to a seat considered, 624; not an ordinary instance in the history of contested elections, 624; the practice has been to give a liberal construction in favor of the rights of the people, 625; Bailey in the employ of the Government at Washington, and expressing an intention of returning to Massachusetts, remains an inhabitant of that State, 625; further facts in the case, 626; points of the report of the committee examined, 626, 627; it has been said that the case of an ambassador is wholly different, 628; the power of deciding the claims of members is given to this House, 629; important to ascertain the import of the term inhabitant as used in the Constitu-

tion, 699; as defined in the Constitution of Massachusetts, 690; the constant usage in that State, 690; how is the permanent domicile, the home of a person, to be determined? 691; the case under consideration, 691; motion to reverse the report, 692; lost, 692; a question of common sense merely, 696; further debate, 693; report of the committee sustained, 694.

ELLIOT, JOHN, Senator from Georgia, 143, 357, 465; on Florida land titles, 490; on the case of Henderson, 484. *See Index*, vol. 6.

ELLIS, WILLIAM C., Representative from Pennsylvania, 592.

Embargo.—*See Index*, vols. 3, 4, 5, and *Index*, vol. 1, *Great Britain*.

Emperor Alexander, award of, 357; *note*, 357.

Enlistments, encouragement of.—*See Index*, vol. 5.

ERVING, GEORGE W., presents medals to Congress, 406.

EUSTIS, WILLIAM, Representative from Massachusetts, 3, 315, 377; on the Missouri Constitution, 47; on the admission of Missouri, 74; on military appropriations, 255; on transactions in Florida, 358; on the suppression of piracy, 385, 386.

Exchange of Stocks.—In the House, a bill to authorize the Secretary of the Treasury to exchange certain stocks considered, 366; object to pay off six and seven per cent stocks at five per cent, redeemable at a future time, 387; features of the bill, 310; grounds urged for its passage, 310; the stockholders will not accept the change you propose, 311; if commerce increases, does not the revenue advance? 311; vain to talk of saving millions while you plunge the nation deeper in debt, 311; other points of view in which to consider the subject, 312; difficulty of understanding the expenditures of the several departments, and the labor and service required, so as to suggest reforms, 312; the principle of the bill good, 318; state of the national debt, 318; it is objected that this bill will deprive the Government of the power to pay the national debt when it falls due, 318; what will be your situation in 1825? 318; an auspicious moment for making this exchange, 318.

The bill gives to one class of public creditors an advantage over others, 314; it is nothing more or less than a loan in disguise, 314; the people condemn the habit of resorting to loans in time of peace, 314; this system of measures created and confirmed a moneyed aristocracy, 314; what is the pressing emergency? 315; why this reversal of the pleasing prospects of commerce and prosperous condition of our revenue? 315; not a matter of surprise that great diversity of opinion prevails, 315; we must either raise a revenue of fifty millions of dollars by direct taxation between this time and the year 1823, or we must procrastinate the period fixed for the redemption of the public debt, 315; the former alternative is quite out of the question, 315; the proposed exchange of stocks is a prudent financial measure, 316; two different reasons for the fall in the interest of money, 317; bill passed, 317.

Excise on Liquors.—*See Index*, vol. 1, 5.

Executive Departments.—*See Index*, vol. 1.

Expatriation.—*See Index*, vols. 3, 5, 6.

Expedition against Porto Rico.—In the House, a resolution calling for information relative to, considered, 383; various reports relative to this expedition, 383; our remonstrances to Spain for not restraining the expeditions of individuals, 383; persons connected with this expedition, 383; other circumstances, 383; further debate, 384; resolution agreed to, 384.

Expenditures, reduction of.—In the House, resolutions relative to the reduction of expenditures considered, 54; resolutions so broad as to admit of the committee's taking a full view of the state of the nation, 55; importance of the question involved in such an inquiry, 55; that

people are the happiest whose rights are protected at the least expense, 55; in no nation can taxation be rendered more oppressive than in ours, 55; the acts of ratification show how many of the States attempted to guard against abuse of the powers conferred upon the Federal Government, 56; in these acts we first discover the distinction between what has been appropriately denominated the ordinary and extraordinary sources of revenue, 56; these principles stated, 56; they form the bright constellation which has gone before us and guided our steps, 56; extract from Mr. Jefferson's Message, 57; what is our present condition? 57.

Expunging the Journal of the Senate.—*See Index*, vol. 3.

F

FARRELLY, PATRICK, Representative from Pennsylvania, 316, 377, 593; on detecting mail thefts, 346; on the appropriation for the Cumberland road, 394; on provision for the family of Lieutenant Pierce, 389; on the road from Ohio to Michigan, 416.

FARROW and HARRIS.—In the Senate, a bill reported to adjust the accounts of, relative to building forts on Dauphin Island, 373; state of the case, 373; contracts with the United States are governed by the same principles as with individuals, 373; the mode of settlement, 373, 373; bill for the relief of, considered, 563.

FAY, JOHN, Representative from New York, 3. *See Index*, vol. 6.

Federal Judges.—*See Index*, vols. 2, 3, *Amendments to the Constitution*, and *Index*, vol. 4, 5.

FINDLAY, JOHN, Representative from Pennsylvania, 377, 592.

FINDLAY, WILLIAM, Senator from Pennsylvania, 144, 348, 465. *See Index*, vols. 1, 3, 3, 4, 5.

Fines, Militia, bill relative to, 306.

FISHER, CHARLES, Representative from North Carolina, 5.

Flag of the United States.—*See Index*, vol. 1.

Florida, bill to take possession of, 130, 131; *note*, 131.

In the Senate.—A petition from certain inhabitants of West Florida, representing themselves illegally imprisoned, 161; better wait the proceedings of the other House, 161; each House should act independently, 161; ought to be referred to the President, 161; laid on the table, 161; motion to annex a part of West Florida to Alabama, 163; *note*, 160.

Government of Florida.—Amendments to the bill, 171; bill ordered to third reading, 171; *note*, 171.

Bill introduced to repeal the Florida Territorial laws, 205.

Affairs in Florida.—In the House, a resolution calling upon the President for information relative to the late transactions in Florida considered, 231; moved to lay the resolution on the table, 223; more respectful to the President to wait for the information he doubtless intends soon to convey, 223; the resolution calls for particular and specific information, 223; laid on the table, 223.

Transactions in.—In the House, a message from the President relative to affairs in Florida, 243; *note*, 243; committee pray to be discharged from further consideration of the message and documents, 256; reason to apprehend there has been such a usurpation of the rights of certain petitioners as required the interference of the House, 256; motion to refer the petitions to the Committee of the Whole, 256; an additional reason for giving more promptly a government to Florida, 256; were the petitioners confined under a military order, or in virtue of some civil judicial process? 256; the powers of the Governor are said to be equal to those of the Captain-General of Cuba, 256; question on discharging the

- committee, 358; it is a subject that requires the immediate interference of the House, 358; the duty of Congress, 358; proper that the papers should be referred, 359; the House cannot dispense with inquiry in any case where complaint was made, 359; the case of the petitioners, 359; the benefit of the petitioners requires that the subject should be taken up by a body more competent to do summary justice than this House, 359; the Executive could most speedily relieve them, they being now in jail, 360; merely a case of false imprisonment, and will this House undertake to try such cases? 360; the question is, whether the subjects of a foreign power have received from our officers an injury, 360; what is there before this House but *ex parte* statements of the petitioners? 360; whose fault was it that the Government of Florida was tyrannical? 360; the blame must rest on those by whom the Government was organized, 360; where is the clause of the constitution which excludes this House from inquiring into such a case? 361; the bill of last session corresponded to the views of the Executive, 361; *note*, 361; report relative to release of petitioners, 363.
- Resolutions relative to the message and documents offered, 364; the Governor of Florida does not possess those judicial powers he claims to exercise, 364; the course pursued by the Governor was evidently correct, 365; efforts of the Spaniards to defeat the session, 365; further debate, 365; House refuses to take cognizance of the complaints, 366.
- Resolutions offered relative to transactions in Florida, 370; House refuse to consider them, 370; *note*, 370; correspondence, 371; 372; message relative to, 386.
- In the House*.—A bill to establish a Territorial Government in Florida, 394; moved to extend the principles of the constitution in relation to protection of liberty, &c., over, 394; people of Florida strangers to our constitution and laws, 394; further remarks, 395; motion lost, 395; *note*, 395; bill ordered to a third reading, 395; passed, 396.
- Reads in*.—In the Senate, a bill to authorize the laying out of public roads in Florida, considered, 509; importance to the territory of the roads proposed, 509; as it relates to the defence, and to the population of the territory, 509; data on which the estimates are based, 509; the appropriation stated, with the labor of the military force will be adequate, 509; an extraordinary country if twenty thousand dollars will make three hundred miles of road, 510; different manner of constructing roads at the South and at the North, 510; bill passed to a third reading, 510; memorials respecting, 595.
- Government of.—*See Index*, vol. 6, *Spanish Treaty*. Occupation of, *see Index*, vol. 4. Purchase of, *see Index*, vol. 3.
- FLOREN, JOHN, Representative from Virginia, 6, 216, 373, 608; on a national vaccine institution, 8; offers a resolution relative to the occupancy of the Columbia River, 50; reports relative to the Columbia River, 74; relative to Missouri, 96, 98; on the South American Provinces, 96; on reconsidering the vote relative to Missouri, 105; on the election of President and Vice President, 114; offers a resolution relative to the vote of Missouri for President, 116; on the Indian Department, 231; on vaccination, 244; on the Russian claims, 253; on transactions in Florida, 268; on the suppression of piracy, 384; on the occupation of Columbia River, 392; on the suppression of public documents, 431; on road from Memphis to Little Rock, 615. *See Index*, vol. 6.
- FOLGER, WALTER, Jun., Representative from Massachusetts, 6. *See Index*, vol. 6.
- FOOT, SAMUEL A., Representative from Connecticut, 3, 592; on the amendment of the Journal, 67; relative to Missouri, 83, 85; on the duty on wines, 703; on the duty on woollens, 745. *See Index*, vol. 6.
- FOOTE, CHARLES A., Representative from New York, 592.
- FORD, WILLIAM D., Representative from New York, 3. *See Index*, vol. 6.
- Foreign Ministers*, abuse of privilege.—*See Index*, vol. 2.
- Foreign Relations*. *See Index*, vols. 4, 5.
- FORREST, THOMAS, Representative from Pennsylvania, 3, 377. *See Index*, vol. 6.
- FORSYTH, JOHN, Representative from Georgia, 592; on reduction of the diplomatic corps, 679. *See Index*, vols. 5, 6.
- FORWARD, WALTER, Representative from Pennsylvania, 377, 592; on the duty on woollens, 676.
- Franco, relations with*.—*See Index*, vols. 2, 5.
- Franking Privileges*.—*See Index*, vols. 1, 2.
- FRANCLIN, MORRIS, communication of, 293.
- Freedom of Conscience*.—*See Index*, vol. 1.
- French vessels*, bills respecting duties on, 206.
- French Spoliations*, report on, 705. *See Index*, vols. 2, 3.
- French Decrees*.—*See Index*, vol. 5.
- French Refugees*.—*See Index*, vol. 1.
- Friends*, petition of Society of, in reference to slave marriages, 595.
- Frontiers, protection of*.—*See Index*, vol. 1.
- FROST, JOSE, Representative from New York, 592.
- Fugitives from labor*, resolution relative to, 221.
- Fugitives from Justice*.—*See Index*, vol. 1.
- Fugitive Slaves*.—*See Index*, vol. 5, 6. *Slaves*.
- FULLER, TIMOTHY, Representative from Massachusetts, 3, 215, 377, 592; on the exchange of certain stocks, 314; on the suppression of piracy, 384, 385, 386; relative to Spanish Privateers, 461; on the bill for the relief of Sarah Perry, 618; on the duty on iron, 673; on the case of Mr. Bailey, 689. *See Index*, vol. 6.
- Fur Trade of the West*.—In the Senate, a bill to regulate trade with the Indians considered, 201; the fur trade an object of national concern, 202; as a branch of commerce, 203; the nature of the capital would enhance the value of the trade to the country, 206; the practicability of taking the furs direct to China, 206; the fur trade is the true means of controlling the Indians, 206; the bill and amendments are calculated to give it some protection, 204.
- A bill to prevent foreigners trading with the Indians within the United States considered, 543; foreigners instigate the Indians to murder American citizens, 543; machinations in Florida, 543; in the northwest, 543; Indians ripe for hostilities with us long before the declaration of the late war, 544; instigated by the traders, 544; narrative, 544; the state of our relations with the Blackfoot tribe, 546; the Assinaboins, 546; the origin of the hunting expeditions, 546; the British fur traders the cause of the hostility of the Blackfoot Indians and others, 547; eight reasons stated to prove it, 547, 548; the bill reported contains four provisions to put an end to these outrages and to preserve the fur trade, 549; the main provision is to advance a military post, on the Upper Missouri, 549; the magnitude of the fur trade, 549; the encouragement it will give to home industry, 549; our policy unites itself with our interest, 550.
- How this bill is to produce the effect indicated by its title has not been explained, 551; it will not be pretended that moving troops up the Missouri can be necessary for the protection of our frontiers, 551; extract from Major Long's account of the country, 551; four companies would be altogether inadequate for the purpose intended, 552; the most exceptionable part of the bill is the protection of the hunters and trappers, 553; it is said the British traders came within our boundaries to trade with the Indians, 552; objections to the bill

answered, 558; the system of intercourse with the Indians lately pursued is radically wrong, 554; if it is intended to invade the Indian country with a military force we ought to hold a treaty with them and obtain their consent, 554; the Indian tribes do not come within our jurisdiction—what control have we over them? 554; the Government has always established military posts in their country without their consent, 554; this point established, 554; no part of the bill proposes to interfere with the Indians, 555; we have no right to place a military force in the Indian country in a time of peace, 555; the Indian has no one here to speak for him, 555; the protection of our trade with the Northwestern Indians by a military force had been once discussed and settled, 555; bill laid over, 556; amendment moved, 556; carried, 556; bill ordered to lie on the table, 556; bill taken up and amendment carried, 556; ordered to be engrossed, 556.

G

GAILLARD, JAMES, Senator from South Carolina, 187, 348, 465; elected president *pro tem.* of Senate, 187, 158, 348, 360, 588; his address to the Senate, 159; his remarks, 360. *See Index*, vols. 3, 4, 5, 6.

Gales and Sealon, elected printer, 447. *See Index*, vol. 6.

GAMBLE, JOHN M., memorial of, 706.

GARNETT, ROBERT S., Representative from Virginia, 3, 216, 377, 593; on reconsidering the vote relative to Missouri, 104; declaration of, 309, 310. *See Index*, vol. 6.

GARRISON, DANIEL, Representative from New Jersey, 592.

GARLAY, JAMES W., Representative from Ohio, 592; on the Miami purchase, 607; on the reduction of the diplomatic corps, 604.

GEHRARD, JOHN, Representative from New York, 216, 377.

General Welfare clause, examined.—*See Index*, vol. 1.

Georgian Militia, claims.—*See Index*, vols. 3, 6; land claim.—*See Index*, vol. 3.

Georgia Claims, papers referred, 192; report, 192.

German Language, laws in.—*See Index*, vol. 3.

GILMER, GEORGE R., Representative from Georgia, 216, 377; relative to the Indian department, 225, 231; on transactions in Florida, 265; on the suppression of public documents, 439.

GIER, JOSEPH, Representative from South Carolina, 216, 377, 592.

Gold coin, report on, 87.

GORHAM, BENJAMIN, Representative from Massachusetts, 7, 215, 377.

GOVAN, ANDREW R., Representative from South Carolina, 373, 593; on the tariff, 752.

GRAY, JOHN C., Representative from Virginia, 3.

Great Britain, retaliatory measures on.—*See Index*, vol. 1.

Greeks, aid to the.—In the House, memorial in behalf of the Greeks presented, 410; sentiments of the memorialists in accordance with the spirit of the nation, 410; further remarks, 410; memorial laid on the table, 410.

Greece, commissioner to.—In the House, a resolution relative to the appointment of, offered, 594; object to obtain from the House an expression responsive to the President's message, 595; laid on the table, 595; debate on time to take up the motion for, 608.

A resolution that provision ought to be made for the appointment of a Commissioner to Greece considered, 641; witnesses of what Greece has taught us to be, 641; what is it best for us to do in the present aspect of things respecting Greece? 642; the policy of the Government towards foreign nations, 642; the age is a peculiar one, 642; the declaration of the Holy Alliance, 642; what is a treaty? 642;

nature of the Holy Alliance, 644; a combination against the cause of human intellect and the character of the age, 644; speech of the Emperor of Russia, 644; what is this to us? 645; what can we do? 645; the country of Greece, 646; results of the system of modern European Sovereigns, 647; the situation of Greece, 647, 648; will this resolution do them any good? 648; is it pacific, 648; do the gentlemen fear embroiling us with the Porte? 648; further debate, 651; amendment to limit the resolve to an expression of sentiment favorable to Greece, 652; this is a matter which had its origin principally in feeling, 652; the Grecian republics, 652; you owe to Greece a debt which you ought to pay in kind, it is for moral aid, 653; let us take care that we do not make our cause a warning against free governments, 653; we should pause before we take any step that may commit the nation, 654; the resolution in itself is nothing when compared with the consequences it involves, 654; doctrines broached that imply a total change in the policy of this Government, 655; are we to go on a crusade to propagate liberty and religion? 655; the quotation from Puffendorf, 655; the President has already expressed all in reference to Greece that the resolution goes to express, 656; other cases besides that of the Greeks, 656; what are we now asked to do? 656; it is said we have sent and received ministers from revolutionary France, 656; even Russia dare not move, 657; one world is not sufficient for us, 657; we have not a little of John Bull-dog spirit, 657; the unexampled state of the world, 658; called upon to acknowledge a new power, 659; what will be the probable consequences? 659; have the Greeks declared and maintained their independence? 659; it will be a violation of our declared principles, 659; it is an interference with the executive power, 660; the act of Congress will be the acknowledgment and not the embassy, 660; what have you to do with the liberty of any people except the people you govern, 663; justice is not done to the Turk in this debate, 661; in religion the Turks are more tolerant than their Christian neighbors, 661; remember the words of Washington, 661; the hopes of mankind depend on the success of our experiment, 662.

GROSS, KEBA O., Representative from New York, 3. *See Index*, vol. 6.

GROSS, SAMUEL, Representative from Pennsylvania, 3, 216, 377; on the resolution relative to Missouri, 59. *See Index*, vol. 6.

Guthrie, Arnold, petition of, 161.

Gumboots.—*See Index*, vol. 3.

GURLEY, HENRY H., Representative from Ohio, 600; on roads in Florida, 611; on the duty on wines, 703.

GUTON, JAMES, JR., Representative from New York, 3.

H

Habeas Corpus, suspension of.—*See Index*, vol. 3.

HACKLEY, AARON, JR., Representative from New York, 3; relative to Missouri, 86; on the admission of Missouri, 105. *See Index*, vol. 6.

HALL, GEORGE, Representative from New York, 3. *See Index*, vol. 6.

HALL, THOMAS H., Representative from North Carolina, 3, 231, 377, 593. *See Index*, vol. 6.

HALL, WILLARD, Representative from Delaware, 12. *See Index*, vol. 6.

Hall of the House, resolution relative to, 51.

HAMILTON, ALEXANDER.—*Report of, as Secretary of the Treasury*.—*See Index*, vol. 1, *Treasury*.

HAMILTON, JAMES, JR., Representative from South Carolina, 413, 592; announces death of William Lowndes, 418; on the suppression of public documents, 443; on relief of

- Sarah Perry, 619; on the duty on woollens, 678; on the Tariff, 736.
- HARDIN, BENJAMIN**, Representative from Kentucky, 17, 216, 877; on transactions in Florida, 263; relative to public defaulters, 331; on the road from Ohio to Michigan, 415. *See Index*, vol. 5, 6.
- Harmony in Indian Society of.*—*See Index*, vol. 2.
- HARRIS, MARK**, Representative from Maine, 877.
- HARRIS, ROBERT**, Representative from Pennsylvania, 592.
- HARVEY, MATTHEW**, Representative from New Hampshire, 215, 877, 591.
- HAWES, JAMES**, Representative from New York, 216, 877.
- HAYDEN, MOSES**, Representative from New York, 592.
- HAYNE, ROBERT Y.**, Senator from South Carolina, 465; offers a resolution relative to an amendment of the constitution, 473; offers resolutions acknowledging Grecian independence, 480; on the case of Henderson, 489; relative to the visit of Lafayette, 493; on additional sloops of war, 505; on amendments to the constitution, 535; relative to imprisonment for debt, 561; on the duty on cotton bagging, 573.
- Hayti*, resolutions relative to intercourse with, 413.
- HAYWARD, WILLIAM, JR.**, Representative from Maryland, 592.
- HASARD, NATHANIEL**, Representative from Rhode Island, 8; decesses of, 50. *See Index*, vol. 6.
- Heathen, propagating the Gospel among.*—*Message*, 705; *note*, 705; *report*, 712.
- Hemp, American.*—In the Senate, a resolution for information respecting American cordage, &c., 586; object to find out the reason which excludes American hemp from American ships, 586; the quantity of foreign materials used in the navy, 586; the cost of materials in a ship of the line, 587; resolution agreed to, 587.
- Hemp and Flax*, machine report on, 279.
- HEMPHILL, JOSEPH**, Representative from Pennsylvania, 3, 216, 877, 593; on citizenship of free colored persons in Missouri, 87; on road from Memphis to Little Rock, 606; on roads in Florida, 612; on survey of roads and canals, 637. *See Index*, vol. 6.
- Henderson, Francis, Jr., the case of.*—In the Senate, the bill reported for the relief of Francis Henderson considered, 489; question on adding interest to the principal, 489; Col. John Laurens, 489; eulogy upon Laurens, 488; the daughter of Col. Laurens is the only person who has any just claim, 484; the circumstances were such that the money ought not to go to her, 484; the question does not turn on the justice of the claim, but whether the person named was justly authorized to receive the money, 484; if wrongfully paid, Congress would be bound to pay it again, 484; if nothing but a separation, without a divorce had taken place, it did not vitiate the right of Mr. Henderson, 484; amendment moved requiring the relinquishment of all claim on the part of the parents, 484; it is left to the equity of Congress to pay this claim, 485; bill laid on the table, 485; bill reported in Senate, 513; moved to amend by requiring a relinquishment of the claims of all other parties previous to paying the money, 513; the claim one of strict justice, 513; Laurens had received all the compensation he wished or expected for his services, 513; indefinitely postponed, 513.
- HENDRICKS, WILLIAM**, Representative from Indiana, 3, 216. *See Index*, vol. 5, 6.
- HENRY, ROBERT P.**, Representative from Kentucky, 593; on roads in Florida, 612; on relief of Sarah Perry, 631.
- HERKIMER, JOHN**, Representative from New York, 594. *See Index*, vol. 6.
- HERNANDEZ, JOSEPH M.**, Delegate from Florida, 413.
- HERRICK, EBERNEZER**, Representative from Maine, 216, 877, 591.
- HERRICK, SAMUEL**, Representative from Ohio, 54. *See Index*, vol. 6.
- HINSHMAN, JACOB**, Representative from Pennsylvania, 2. *See Index*, vol. 6.
- HILL, MARK L.**, Representative from Massachusetts, 3, 216, 877; offers a resolution relative to intercourse with Hayti, 413. *See Index*, vol. 6.
- HOBART, AARON**, Representative from Massachusetts, 59, 215, 877, 592.
- Hodgeon, Rebecca*, petition of, 159. *See Index*, vol. 5.
- HOGEBROOM, JAMES L.**, Representative from New York, 583; on the appropriation bill, 663.
- HOLCOMBE, GEORGE**, Representative from New Jersey, 216, 877, 593; on surveys for roads and canals, 633.
- HOLMES, DAVID**, Senator from Mississippi, 243, 465. *See Index*, vol. 6.
- HOLMES, JOHN**, Senator from Maine, 343, 465; on compensation to collectors of the customs, 156; on military roads in Maine, 156; on the adjournment of the session, 169; on stopping pay to certain military officers, 191; on the appointment of certain ministers, 305; on the suppression of piracy, 355; on amendments to the constitution, 583; on striking out the duty on hemp, 573; on roads in Florida, 510; on purchasing a farm near West Point, 518; on the Indian fur trade, 555; on the tariff, 583. *See Index*, vol. 6.
- Home Department.*—*See Index*, vol. 1, *Executive Department*; and *Index*, vol. 5.
- Home Manufactures, worn in the House.*—*See Index*, vol. 2.
- Honors to the Brava.*—*See Index*, vol. 6.
- HOOKER, CHARLES**, Representative from North Carolina, 3, 216, 877, 592. *See Index*, vol. 5, 6.
- Horses lost in the Seminole War.*—In the House, a memorial of Legislature of Tennessee, claiming payment for horses lost in the Seminole War, considered, 303; report of committee unfavorable, 303; moved to strike out "not," so as to change its character, 303; this claim rests on a positive contract between the soldier and his Government, 303; his claim would be sustainable in law, were the Government unable, 303; if he is to be charged with his wages when he receives credit for his horse, it is evident that the longer he served the greater would be the balance against him, 300; committee rise, 309.
- HOSSTETTER, JACOB**, Representative from Pennsylvania, 3. *See Index*, vol. 6.
- House convenes at second session of 16th Congress*, 3; ballots for Speaker, 4, 5; convenes at 1st session of 17th Congress, 215; convenes at 2d session of 17th Congress, 877; adjourns at close of 2d session of 17th Congress, 464; convenes at 1st session of 18th Congress, 591.
- HOUSTON, SAMUEL**, Representative from Tennessee, 592.
- HUBBARD, THOMAS H.**, Representative from New York, 216, 877. *See Index*, vol. 6.
- I
- Illinois, admission of.*—*See Index*, vol. 6.
- Impeachment.*—*See Index*, vol. 3.
- Importation of Slaves.*—*See Index*, vol. 3, *Duties on Imports*.
- Imports.*—*See Duties on Imports*.
- Imprisonment for Debt.*—In the Senate, moved to reconsider the vote recommitting the bill, 561; altogether an inefficient remedy for the evils intended to be met by it, 563; the vote to recommit is a decision against the bill, 563; motion carried, 563; indefinite postponement moved, 563; lost, 562; ordered to be engrossed, 562; bill passed, 562.
- In the House.*—Bill reported with amendments, 666;

- House concurs, and the bill ordered to a third reading, 604.
- Inauguration of the President*, March 6, 1891, 183.
- Indemnity for Spoillations*.—See *Index*, vol. 1, *Great Britain*.
- Indian Affairs*.—See *Index*, vol. 4.
- Indian Tribes*, bill to prevent war among the, 175.
- Indian Factory System*.—In the Senate, a bill to abolish the Indian Factory system, with amendments to give the winding up to agents instead of the present officers, 180; note, 180; the factory system grew out of a national calamity, and had been one itself, 181; the capital first invested, 181; the act of 1811, 181; the practical operation of the system, 181; great abuses have been committed in the discharge of the duties, 181; the conduct of the Superintendent in purchasing the goods, 181; eight gross of Jewsharps, 181; statement of Major O'Fallon, 183; statement of Major Bell, 183; statement of Mr. Crooka, 182; conduct of the factors in making their sales, 188; conduct of the Superintendents in selling the furs and peltries received from the factors, 184; the amount of business done by the factories, 185; Mr. Crook's statement, 185; note, 186.
- Nothing to show that the Superintendents or factors had not faithfully discharged their duty, 186; from an examination of the documents it appears that the Superintendents have done their duty, 186; conduct of Superintendent and factors can be explained without implicating their characters, 187; the capital is inadequate to the trade, 187; further debate, 188.
- Indian Department*.—In the House, a resolution considered, calling for information relative to the expenditure of the Indian Department, 226; agreed to, 226.
- Bill making appropriations, &c., considered, 226; two questions to be decided which the committee has not met, 226; where does the supreme authority of this Government rest? 226; the War Department is not a co-ordinate or correlative department with this House, 226; what is the power of the departments? 226; deficits in accounts, 227; former deficits, 227; the law does not authorize the distribution of rations to the Indians, 227; true dignity in a Secretary of War consists in not exceeding his appropriations, 227; the specification of appropriations must be made in the House, 228; no objection was made at the last Congress to the whole system of policy and expenditure of the Indian Department, 228; reasons for voting in favor of the sum named by the committee, 228.
- Motion to postpone the consideration of the bill, 229; reasons for postponement, 229; discussion tends to no good purposes at present, 229; the House has all the information that can be expected, 230; decorous to this House as well as the Secretary to postpone the question, 230; further debate on the motion to postpone, 230, 231; postponement carried, 232; the bill from the Senate considered relative to trade and intercourse with the Indians, 232; progress made in the civilization and happiness of the Indian tribes under the system pursued for that purpose, 232; numbers in the United States, 232; how to civilize and Christianize our red brethren is the question, 232; what has been done in different regions? 232, 240; the civilization of the Indians, if effected, is to be a work not only of time, but of necessity, 240; much treasure already wasted in vain and futile attempts, 241; indirect taxes, 241; people will not complain of taxes if imposed for humane and useful purposes, 241; aversion of the Indians to our laws and civilization, 242; note, 242; vain to attempt to civilize them while surrounded by our settlements, 242; amendments proposed lost, 243.
- Indian Lands within a State, rights over*.—See *Index*, vol. 1.
- Indian Trading Posts*.—Message relative to, 418; reservations, report on, 422; report, 460.
- Indians*, Quapaw, memorial of, 594; memorial on civilization and education of the Indians, 600.
- Indiana*, memorial of Assembly of, on public lands, 516.
- Indiana, admission of*.—See *Index*, vol. 5.
- INGHAM, SAMUEL D., Representative from Pennsylvania, 879, 592; on the duty on woollens, 675, 676, 677. See *Index*, vol. 6.
- Intercourse, Commercial, do. Foreign, do. Non*.—See *Index*, vol. 4.
- Internal Improvements*.—In the House, amendment to the fortification bill to authorize engineers to ascertain the practicability and expense of uniting the waters of the Potomac and Ohio by a canal, 447; this union of the great rivers of the East and West by inland navigation is an object of national importance, 447; Virginia has incorporated a company to carry a canal two-thirds of the distance, 447; it is said this is not a proper bill in which to introduce this amendment, 448; this intercommunication is recommended by the Secretary of War as connected with the military defence of the country, 448; the nation has a deep interest in the growth and prosperity of this city, 448; the practicability of uniting these waters appears no longer doubtful, 448; the difference in the cost of transportation by land and by canal is as twenty to one, 449; a moderate toll will yield a revenue of fifteen per cent. on the stock, 449; the canal could be completed in six years on a loan of six millions, 450; the dawn of internal improvement by canals has begun to open on us, 450; what has been done for internal commerce for the benefit of the interior and the West? 450; while monarchies are so studious of the interests of their people, the people's Representatives lavish their money on objects of military grandeur, 451; the money expended on armies is gone, while that on canals is enjoyed for centuries, 451; the Constitution expressly gives to Congress power to regulate commerce among the States, 451; also power to provide for the common defence, 451; the Cumberland road has been justified, because it enhances the value of the public lands, 451; a meeting for internal improvement in 1784, 452; their report, 452.
- Invalid Corps*.—See *Index*, vol. 5.
- ISAACS, JACOB C., Representative from Tennessee, 592; on road from Memphis to Little Rock, 616; on cotton minimums, 700.
- J
- JACKSON, ANDREW, Senator from Tennessee, 473; on the right of preemption, 498; on the roads in Florida, 509, 510. See *Index*, vol. 2, 3, 6.
- JACKSON, EDWARD B., Representative from Virginia, 8, 216, 877.
- JEFFERSON, THOMAS, petition relative to the duty on books, 217.—See *Index*, vol. 1, 2, 3, 4, 5.
- JENKINS, SAMUEL, Representative from New York, 592.
- Tails of States*.—See *Index*, vol. 1.
- JENNINGS, JONATHAN, Representative from Indiana, 877, 593. See *Index*, vol. 4, 5.
- JOHNSON, FRANCIS, Representative from Kentucky, 3, 216, 877; on the exchange of cotton stocks, 810.
- JOHNSON, HENRY, Senator from Louisiana, 137, 848, 465, 517.
- JOHNSON, JOHN T., Representative from Kentucky, 216, 377, 592.
- JOHNSON, JOSEPH, Representative from Virginia, 592.
- JOHNSTON, JOSIAH S., Representative from Louisiana, 216, 877; offers a resolution relative to the suppression of piracy, 154, 155; on the Indian Factory system, 186; relative to the suppression of piracy, 245; on the bound-

- dary between the United States and Mexico, 838; on military appropriations, 835, 836; relative to the road from New Orleans to Nashville, 853; on survey of the Louisiana lands, 860; on Louisiana land titles, 870; on the right of Preemption, 488.
- JOHNSON, RICHARD M., Senator from Kentucky, 187, 348, 472; on the amendment of the Journal, 63; offers a resolution relative to military roads, 144; on an amendment of the constitution, 145; on the India trade, 188; on stopping pay to certain officers, 192; on the accounts of Farrow and Harris, 372; on the public lands, 439; relative to imprisonment for debt, 561; on striking out the duty on hemp, 570; on the improvement of the Ohio and Mississippi, 587. *See Index*, vols. 3, 4, 5, 6.
- JONES, FRANCIS, Representative from Tennessee, 3, 216, 377; motion relative to the delegate from Missouri, 128. *See Index*, vol. 6.
- JONES, JAMES, Representative from Virginia, 3, 232, 377. *See Index*, vol. 6.
- Journal of the Federal Convention*, message relative to the publication of, 221.
- Journal of the Old Congress*.—*See Index*, vol. 6.
- Judges, Federal, removal of*.—*See Index*, vols. 2, 4.
- Judiciary System*.—*See Index*, vol. 2.

K

- KELLY, WILLIAM, Senator from Alabama, 478; on amendments to the constitution, 587; on the duty on cotton bagging, 573.
- KENDALL, JONAS, Representative from Massachusetts, 3. *See Index*, vol. 6.
- KENT, JOSEPH, Representative from Maryland, 3, 216, 377, 569; on a national vaccine institution, 8; on grants of land for education, 599. *See Index*, vols. 4, 5, 6.
- KEYS, ELIAS, Representative from Vermont, 215, 377; on the Revolutionary pension bill, 391; on appropriation for the Cumberland road, 444.
- KIDDER, DAVID, Representative from Maine, 501.
- KING, RUFUS, Senator from New York, 187, 348, 465; offers resolution relative to rules of order, 144; relative to Louisiana land titles, 160; on the adjournment of the session, 169; on the appointment of certain ministers, 205; respecting duties on French vessels, 306; on the public lands, 439; on amendments to the constitution, 517, 523, 534; on salary of a public agent, 541; on the Indian fur trade, 554, 555; on striking out the duty on hemp, 573. *See Index*, vols. 1, 2, 3, 4, 5, 6.
- KING, WILLIAM RUFUS, Senator from Alabama, 143, 474; on the Indian trade, 188. *See Index*, vols. 4, 5, 6.
- KINSEY, CHARLES, Representative from New Jersey, 3; on the South American Provinces, 98. *See Index*, vol. 6.
- KINSLEY, MARTIN, Representative from Massachusetts, 4. *See Index*, vol. 6.
- KIRKLAND, JOSEPH, Representative from New York, 216, 377; on public defaulters, 320.
- KNIGHT, NEHEMIAH R., Senator from Rhode Island, 187, 348, 465.
- KREMER, GEORGE, Representative from Pennsylvania, 509; on relief of Sarah Perry, 626; on the appropriation bill, 638.

L

- Lafayette, Marquis de*.—In the Senate, resolutions relative to the intended visit of, 492; remarks upon them, 492, 493; resolutions respecting, 626; considered, 630.
- Lake Superior Copper Mines*, resolution on, 540. *See Index*, vol. 2.
- Land Purchasers*, bill for the relief of, 192; report relative to relief of, 637.

Land Office, inspection of, report on, 307.

Lands, Refuse, bill for the sale of, 567.

Lands for Education.—In the Senate, a resolution relative to the appropriation of land to the old States to aid in education, considered, 165; can the resources of this nation be thus applied? 166; the duties and powers of the Federal and State Governments are separate and distinct, 166; it is true it is a common part in which all the States are interested, 166; it is forbidden by a just regard to the positive stipulations of the United States which ceded the public dominion on the east side of the Mississippi, 166; the old claims of several of the States, 167; terms upon which the United States accepted the cessions, 167; extent of the appropriation we are called to make, 167; consequence of granting this quantity of land to the States, 167; it is nothing less than a virtual grant of money out of the treasury, 168.

Land Titles in Louisiana.—In the Senate, a resolution of inquiry relative to, &c., offered, 159; object to obtain a copy of a paper once printed by order of this or the other House, 159; other clauses of the resolution call for other documents, 159; a copy of an article of the treaty of St. Ildefonso also called for, even if it was necessary to apply to the Court of France, 160; there would be an indelicacy in applying to a foreign government for a copy of a treaty which that government had seen fit to keep private, 160; the treaty by which Louisiana was ceded to France had never been made public, 160; no impropriety in requesting a copy of that part of the treaty which related to inhabitants of this country, 160; resolution modified so as to request a copy of the State Department only, 160.

A bill to enable the French, British, and Spanish holders to test their titles, considered, 370; emigration checked to the State, 370; large claims of land kept waste, 370; bill passed, 370.

In Mesouré.—In the Senate, a bill to enable the holders of incomplete French and Spanish titles to test them, 176; the mode and term of conceding lands under the French and Spanish Governments in Louisiana, 176, 177; lands were actually conceded in Louisiana according to the mode and upon the terms stated, 177; reasons for populating the country, 178; many of the concessions were incomplete on the day of the transfer of Upper Louisiana to the United States, but valid on that day against France and Spain, and to the same extent against the United States, 179; the United States have not yet provided by law for completing these titles, 179.

LANMAN, JAMES, Senator from Connecticut, 187, 348, 635. *See Index*, vol. 6.

Lands, Western.—*See Index*, 1, 3, 4, Public Lands.

LATHROP, SAMUEL, Representative from Massachusetts, 215, 379, 562. *See Index*, vol. 6.

LAWRENCE, SAMUEL, Representative from New York, 592.

Lead Mines.—In the Senate, a resolution offered relative to revenue from the Lead Mines of the Mississippi Valley, 301; call on the President for information, 301; a resolution relative to lead mine leases, 307; these leases are disadvantages because the mines intended to be covered by the lease were of immense value and were parted with for a song, 306; the leases are illegal, 306; the Indians claim the mines, 306; the construction of the law from which the illegality of the leases is inferred, is most palpably erroneous, 309; nothing to warrant the construction, 309; further debate, 310; resolution relative to, 326; bill for sale of, 368; a bill to authorize the sale of, considered, 363; they are great in extent and rich in value, 363; their location, 368; period in which they have been worked, 364; course pursued by the surveyors, 364; experience under the leasing system, 364; time to change this system, 364; if any doubt

- exists as to the right of the Federal Government to hold lands and tenants in the bosom of the States, none exists as to its evils, 365; extent of the monopoly under this system, 365; true policy is to sell, 365; the example of England, 366; bill laid over, 366; further considered, 369.
- LE COURTOIS, ANTHONY, memorial of, 706.
- LEE, JOHN, Representative from Maryland, 592.
- LEFTWICH, JAMES, Representative from Virginia, 216, 379, 592.
- LEITCH, ROBERT P., Representative from Kentucky, 592.
- LEWIS, EDWIN, letter preferring charges against Judge Tait, 411.
- Library of Congress.*—See *Index*, vol. 2.
- Library of Mr. Jefferson.*—See *Index*, vol. 5.
- Lieutenant General.*—See *Index*, vol. 5.
- Light House Duties.*—See *Index*, vol. 3.
- Limitation, Statutes of.*—See *Index*, vols. 2, 4.
- LINK, JOHN, Representative from New Jersey, 3; decease of, 61. See *Index*, vol. 6.
- LINCOLN, ENOCH, Representative from Massachusetts, 2, 216, 377, 591. See *Index*, vol. 6.
- LITCHFIELD, ELIJAH, Representative from New York, 216, 377, 592.
- LITTLE, PETER, Representative from Maryland, 2, 216, 377, 592; moves to drop the lowest candidate at each ballot for Speaker, 5; on the resolution relative to West Point Academy, 11, 12; on the amendment of the Journal, 68; on Indian department, 230; on vaccination, 244; on hostile expeditions, 383; on the road from Ohio to Michigan, 415. See *Index*, vols. 4, 5, 6.
- Live Oak Timber*, bill for the preservation of, considered, 249.
- LIVERMORE, ARTHUR, Representative from New Hampshire, 4, 591; on bank notes in payment of duties, 58; on the amendment of the Journal, 68; on the vote of Missouri for President, 116; on the accounts of Tompkins, 598; on naval pensions, 605; on costs in patent cases, 618; on the duty on woollens, 676. See *Index*, vol. 6.
- LIVINGSTON, EDWARD, Representative from Louisiana, 600; on light houses, 604; on resolutions respecting Lafayette, 649. See *Index*, vols. 1, 2, 4.
- LLOYD, EDWARD, Senator from Maryland, 144, 353, 465; announces the decease of William Pinkney, 165; relative to lands for education, 165; on the adjournment of the session, 169; on stopping pay to certain officers, 191; on the case of Henderson, 484; on purchasing a farm near West Point, 514; on the transportation of specie, 515. See *Index*, vol. 6.
- LLOYD, JAMES, Senator from Massachusetts, 343, 465; on the navy pension fund, 486; on building sloops of war, 491, 493, 494, 507; on the transportation of specie, 515; on commerce with Portugal, 568; on the tariff, 568; on striking out the duty on hemp, 569; on the duty on cottons, 581; on striking out the duty on wool, 592.
- Loan Bill.*—See *Index*, vol. 5.
- LOCKE, JOHN, Representative from Massachusetts, 592.
- LOWE, JOHN, Representative from North Carolina, 216, 377, 592; on the allowance of pensions, 323.
- LONGFELLOW, STEPHEN, Representative from Maine, 595.
- Lots, Public*, in Washington, communication relative to, 223.
- Louisiana*, purchase of.—See *Index*, vols. 2, 3. Treaty, see *Index*, vol. 3. Territory, see *Index*, vols. 2, 4. State, see *Index*, vol. 4.
- LOWMYER, WILLIAM, Representative from South Carolina, 2, 323; balloted for as Speaker, 4; reports on State Constitution of Missouri, 6; on the Missouri Constitution, 12; note 12; on bank notes in payment of duties, 51, 52; on the resolution relative to Missouri, 53, 59, 60; on the amendment of the Journal, 65; relative to Missouri, 63; on the appropriation relative to Missouri, 96; relative to the bankrupt laws, 224; on transactions in Florida, 255, 260, 265; supplemental speech of, 346; decease of, 418. See *Index*, vols. 2, 3, 4, 5, 6.
- LOWRIE, WALTER, Senator from Pennsylvania, 137, 343, 465; relative to Louisiana land titles, 160; relative to propagating the gospel among the heathen, 164; on the adjournment of the session, 169; on stopping pay to certain officers, 191; on United States militia fines, 207; on the case of Henderson, 484; on building sloops-of-war, 494, 507; on the roads in Florida, 509; on purchase of a farm near West Point, 513, 514; on amendments to the constitution, 523. See *Index*, vol. 6.
- LYON, MATTHEW, case of.—See *Index*, vols. 2, 3, 4, and *Sedition*, vol. 6.

ME

MACLAY, WILLIAM P., Representative from Pennsylvania, 3; on the South American Provinces, 97. See *Index*, vol. 5, 6.

MACON, NATHANIEL, Senator from North Carolina, 137, 343, 465; on military roads in Maine, 156; on the adjournment of the session, 170; on the Indian trade, 188; on the bill for the relief of Robert Purdy, 356; on additional sloops-of-war, 506; on purchasing a farm near West Point, 512; on amendments to the constitution, 524, 529. See *Index*, vols. 1, 2, 3, 4, 5, 6.

Mail Theft.—In the House, motion to instruct the Post Office Committee to inquire into the practicability of facilitating the detection of mail thefts, 246; insecurity of conveyance so general as to destroy its utility, 246; instances of letters lost, 246; motion modified, 247.

Maine, admission of.—See *Index*, vol. 6.

MALLORY, ROLLIN C., Representative from Vermont, 3; on the Missouri Constitution, 44; on the Bankrupt bill, 245; on the appropriation for a Minister to Portugal, 323; on the appropriation bill, 325; on the South American colonies, 604.

MANGUM, WILLIE P., Representative from North Carolina, 592.

MARCHAND, DAVID, Representative from Pennsylvania, 3. See *Index*, vol. 6.

MARLEY, PHILIP S., Representative from Pennsylvania, 593.

MARTINDALE, HENRY C., Representative from New York, 592; on the duty on woollens, 675, 677.

MARVIN, DUDLEY, Representative from New York, 592.

Maryland Memorial on the state of national affairs.—See *Index*, vol. 5.

MATLACK, JAMES, Representative from New Jersey, 216, 377, 592.

MATSON, AARON, Representative from New Hampshire, 377, 591.

MATTOCK, JOHN, Representative from Vermont, 215, 377.

MCARTHUR, DUNCAN, Representative from Ohio, 592; on the appropriation bill, 658.

MCCARTY, RICHARD, Representative from New York, 216, 377.

MCCOY, WILLIAM, Representative from Virginia, 4, 216, 377, 592. See *Index*, vols. 4, 5, 6.

MCCREARY, JOHN, Representative from South Carolina, 2. See *Index*, vol. 6.

MCCULLOUGH, THOMAS G., Representative from Pennsylvania, 3; on the reduction of the army, 72; on the appropriation relative to Missouri, 96.

MCDUFFIE, GEORGE, Representative from South Carolina, 216, 592; on expenditures of the Indian Department, 235, 261; on transactions in Florida, 260, 262; on the exchange of certain stocks, 315; on Mix's contract for stone,

- 887; reports on amendments to the constitution, 600; on relief of Sarah Perry, 622; on the Tariff bill, 669.
- McILVAINE, CHARLES**, chosen Chaplain of the Senate, 858.
- McILVAINE, JOSEPH**, Senator from New Jersey, 465.
- McKEAN, SAMUEL**, Representative from Pennsylvania, 592.
- McKIM, ISAAC**, Representative from Maryland, 418, 562; on the duty on woollens, 676, 678.
- McLANE, LOUIS**, Representative from Delaware, 8, 216, 877, 592; on the Missouri Constitution, 40; on the amendment of the Journal, 62; on the reorganization of the navy, 249; reports relative to the suppression of piracy, 266; on the report relative to land offices, 807; on the suppression of piracy, 887; on the suppression of public documents, 424; on the accounts of Tompkins, 597; on the duty on woollens, 678; on contingencies, 689; on the appropriation bill, 707. *See Index*, vol. 6.
- McLEAN, ALFRED**, Representative from Kentucky, 8.
- McLEAN, WILLIAM**, Representative from Ohio, 593; reports on the case of Matthew Lyon, 9; on the appropriations relative to Missouri, 98.
- McNAILL, ARCHIBALD**, Representative from North Carolina, 216, 877.
- McSHERRY, JAMES**, Representative from Pennsylvania, 216, 877.
- Medals**, national, report on, 377; presentation of to Congress, 882, 406.
- Mediterranean Trade**.—*See Index*, vol. 2.
- MERRON, ELLA**, Representative from Vermont, 8. *See Index*, vol. 6.
- MEXCE, HENRY**, Representative from New York, 8; on bank notes in payment of duties, 52; on the slave trade and emancipation, 122. *See Index*, vol. 6.
- Momphs & Little Rock Road**, 617; *note*, 617.
- MORRIS, CHARLES F.**, Representative from Virginia, 8, 216, 877, 592; on a national vaccine institution, 8; offers a resolution relative to the Hall of the House, 51; on bank notes in payment of duties, 58; on the amendment of the Journal, 64, 66; on the South American Provinces, 96; on the report relative to land offices, 807; on the suppression of the slave trade, 456; on surveys of roads, 693. *See Index*, vol. 6.
- Massachusetts Memorial on the War of 1812**.—*See Index*, vol. 5.
- Message** relative to the ratification of the treaty of 1819, 196; at first session of 17th Congress, 188; *note*, 140, 141; relative to the South American States, 171; relative to trade with Norway, 306; to the Senate in Executive session, 210; relative to the publication of the Journal of the Federal Convention, 221; relative to the misunderstanding between General Jackson and Judge Fromentin, 242; *note*, 248; relative to treaties with the Cherokees, 263; relative to the Spanish American Provinces, 275; relative to Pea Patch Island, 306; relative to the Government of Florida, 326; on the Russian claims, 334; on affairs in Florida, 334; annual of President Monroe, 348; *note*, 349; relative to pirates in the West Indies, 358; relative to Christian Indians in Ohio, 358; relative to the cost of building ships of war, 356; relative to the convention under the Treaty of Ghent, 367; relative to the Island of St. Domingo, 371; on a naval peace establishment, 380, 668; relative to piratical outrages, 383; relative to Indian trading posts, 418; relative to a convention signed at St. Petersburg, 421; relative to lawless expeditions, 424; relative to a convention with Great Britain respecting the joint occupation of the Columbia river, 445; relative to Spanish privateers, 461; annual of President Monroe at first session of 18th Congress, 465; *note*, 470; relative to the accounts of Governor Tompkins, 473; relative to a portrait of Columbus, 481; relative to the claim of Massachusetts, 510; on the accounts of Tompkins, 542; on the Indian reservations, 556; respecting the claim of Virginia, 568 relative to accounts of Gov. Tompkins, 594; relative to the condition of Greece, 608; relative to a monument to Gen. Wooster, 664; on the accounts of Tompkins, 704.
- MURCALPH, THOMAS**, Representative from Kentucky, 8, 216, 877, 607; on Mix's contract for stone, 287; on the civilization of the Indians, 388. *See Index*, vol. 6.
- Nadshipmen**, report on apportionment of, 445.
- Military Academy**.—In the House, resolution relative to, 54; the appropriation for considered, 266; amount objected to, 268; moved to recommit, 269; high time this Government curtailed its expenses, 269; a retrospect, 269; recommitment refused, 270; bill passed, 272.
- Military Academy and Academies**.—*See Index*, vol. 2, 5.
- Military Appointments**, proceedings relative to in executive session of the Senate, 212.
- Military Punishment**, letter of Secretary of War relative to, 50.
- Military Roads**.—In the Senate, a resolution offered to inquire into the expediency of making two military roads from the State of Maine to the British line, 156; importance of the roads, 156; value for military purposes, 156; these preparations ought to be made in time of peace, 156; no public money yet spent in Maine, 156; none spent in North Carolina, 156; no danger that a free people will ever be unprepared for war, 156; commence these roads, and there is no telling where it will end, 156.
- MILLER, DANIEL H.**, Representative from Pennsylvania, 607.
- MILLS, ELIJAH H.**, Senator from Massachusetts, 144, 358, 473; offers a resolution for an amendment of the constitution, 474; on the Tariff, 568. *See Index*, vol. 5, 6.
- MILWON, WILLIAM**, Representative from Pennsylvania, 216.
- Minister to Portugal**.—Bill making appropriation for, considered, 882.
- Mint, establishment of**.—*See Index*, vol. 1, 2.
- Miranda's Expedition**.—*See Index*, vol. 4.
- Mississippi River**, free navigation of.—*See Index*, vol. 2.
- Mississippi State**.—*See Index*, vol. 5.
- Mississippi Territory**.—*See Index*, vol. 4, *Territories*.
- Mississippi Land Company**, report on the, 568.
- Missouri**.—In the House, constitution of laid before the House, 6; report relative to State Constitution of, 6; citizenship of free colored persons considered, 12; *note*, 12; is it not inconsistent with the character of our Government, and of all Governments, to consider questions once decided by legitimate authority as still open or inconclusive? 12; this would make all acts binding only on the majority who passed them, 12; power was given to Missouri to form a State Constitution, 12; it is formed, and Congress is called upon to declare it so, 12; the course heretofore pursued by Congress, 12; in the act of last session, no difference in the mode of legislation in Missouri and that which had occurred in the case of the oldest States admitted, 12; the case of Ohio, 12; the moment a Territory declares it expedient to form a constitution, she acquires all the rights of a State, 12; it is said the words of the law in regard to Missouri are prospective, 12; nothing in the law of the last session to show it was not complete when passed, 12; the case of Ohio again, 14; in every instance where a constitution has been formed by a Territory, they have not only been considered a State, but the elections held under the constitution have been deemed good, 14; the opinion that the people of Missouri do not become a State until, by an act posterior to the formation of their constitution, Congress declared their admission, considered, 14; case of Kentucky, 14; case of Indiana, 14; a declaration first occurred in the case of Indiana, 14; action of the House at the last session, when the bill was under consideration, shows it was intended to confer on Missouri all the rights of the oldest States, 14.

The next question is whether the constitution formed by Missouri becomes void by the admission into it of a clause not compatible with the Constitution of the United States? 15; no duty devolves on this House to express an opinion with respect to this clause, 15; it is the clause requiring the Legislature to pass laws prohibiting the settlement of free negroes in the State, 15; a large majority of free blacks in the country are not considered citizens in their respective States, 15; in construing a general provision of a constitution, it is fair to consider it as having a general application, and not as being without exceptions, 15; which is the best tribunal to decide the question as to the disputed clause of the constitution of Missouri—the House, Senate, or Judiciary? 15; this point examined, 15; the matter should be left to the Judiciary, 16; the principles which from time to time had influenced the conduct of the different branches of the Government, lead to the same conclusion, 16; the objection that an inference might be drawn from the silence of Congress, considered, 16; there may be cases in which Congress may find it to be their duty to interpose on the moment of admission of new States, 16; the case of Tennessee considered, 16; these views founded on the belief that Missouri is now, to all intents and purposes, a State, 16.

The decision of the question now before the House does not depend upon the decision of the question agitated at the last session, 17; independently of that question, the one now presented is very important, 17; much apparent irregularity and much apparent disorder appears in looking at the admission of States into the Union, 17; the inference from precedents is, that there never has been any precise examination of the powers of Congress in this respect, 17; the power to admit a State into the Union is a very high one, 17; this power given to Congress without limitation, 17; it was their duty to exercise it, and not turn it over to any other department, 17; the constitution of the State to be formed must be conformable to the Constitution of the United States, 18; can a State be admitted by anticipation? 18.

Is it the right and duty of Congress before admitting a State into the Union to see that its constitution and State Government be not repugnant to the Constitution of the United States, 18; it is said Missouri is already an independent State, 18; it is said that this resolution was nothing but a declaration of a fact, 18; why is this constitution referred to a committee? 19; if in a single article her constitution is repugnant to that of the United States, can we assert that she has formed a constitution according to the authority given her? 19; would the people of Missouri think more highly of Congress, if it should yield to them on this occasion? 20; suppose this constitution were faulty from beginning to end, would Missouri be entitled to admission? 20; if we are authorized in any case to interfere, what must be the mode and the time to interfere? certainly when she presents herself for admission, 20; there could be no violation of the Constitution of the United States which would not produce injurious civil and political effects, as distinguished from individual effects, over which the Judiciary have control, 20; suppose this constitution had said no free white citizen of the United States should reside in Missouri—ought she to be admitted into the Union? 20; if, having the power to reject, we should accept, it could not be said we did not approve the constitution of Missouri, 21; the trust of guarding the Constitution of the United States from violation is emphatically ours, 21; not proper to turn the question over to the Judiciary, 21; the vote respecting the Journal at the last session, 21; the case of Louisiana, 21; it is said Missouri is now a State, 21; is she entitled to the rights

of a State until she be admitted into the Union by Congress? 21; case of Virginia and Kentucky, 22; if Representatives appear here, must we not inquire if they are representatives of a State? 22; does the practice of this Government sustain the doctrine shown to be inconsistent with its theory? 22; the elections of an Inchoate State are provisional, 22; the mode of proceeding proposed is the most objectionable that can be devised, 23; this mode considered, 23; the clause of the constitution gives to the citizens of each State in the Union the humblest and lowest right enjoyed by a free man, 23; the humble, simple privilege of locomotion, is all that is claimed for these persons, 24; the plain course is not to receive the constitution formed by the people of Missouri, 24.

The question is, shall Missouri be admitted as one of the sister States of the Union? 24; one of the provisions of her constitution is believed to be repugnant to the Constitution of the United States, 24; the Legislature of the proposed State are directed to pass laws to prevent free negroes and mulattoes from coming to and settling in the State, 24; this infringes the security contained in the Constitution of the United States, 24; the foundation of this article of the Constitution of the United States is laid deep in the structure of our Government, 25; it is capable of no construction which does not plainly denote the universality of its operation and its uniform application to individual right throughout every portion of the nation, 25; the power of determining to whom the privilege of citizenship shall extend in the respective States, was left untouched in the hands of the State Legislatures, with the single exception of the right of Congress to regulate the naturalization of aliens, 25; the description of persons disfranchised by the proposed constitution of Missouri, have been admitted to the rank of freemen in other States and recognised as citizens, 25; to establish a doctrine in relation to this class of persons which should deprive them of the benefit of this clause of our constitution, would, in many cases, be productive of peculiar hardship and injustice, 26; the exercise of this power by Missouri would defeat one of the greatest blessings of the Union, but might operate as a control on the General Government itself, 26.

The subject now under consideration has become painful to the nation and perhaps to this House, 26; what is the provision of the constitution which has been referred to as being violated? 26; "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States," 26; does it not belong to those who oppose the admission of Missouri to show, that those people whom she proposes to exclude are citizens, in the sense of the Constitution of the United States, before they assert that the constitution of Missouri is irreconcilable with that of the United States? 26; what is meant by the term "citizen?" 27; this applied to the people who are the subjects of the present inquiry, 27; objections to the definition considered, 27; is there a State of this Union in which colored men have all the civil rights of any other citizens in the community to which they belong? 27; they are in all the States deprived of many of the rights of white men, 27; in the East and North as well as in the South and West, there are certain distinctions growing out of color, 27; there was a time when the man of color and the white man were not equal in any part of the country, even in theory, 28; show the words in any State constitution which declare that the men of color become or born free shall be elevated to the grade of whites, 28; do you find it in the constitution of New York or Massachusetts, that free people of color shall vote? 28; a review of all the facts will show

that free persons of color have been considered a non-descript class, 38; has not Missouri the right to say who shall be entitled to citizenship within her limits like the other States? 39; the powers of the States have been greatly abridged by constructions of the constitution, 29.

The clause of the Constitution of the United States can only apply to citizens who are in their own States entitled to all the privileges and immunities of citizens, 29; can it be shown that free negroes are such citizens in any one of the States as are entitled to all the privileges and immunities of citizens? 30; who is a citizen of the United States? 30; what are the distinguishing characteristics of citizens of the United States? 30; the Revolution found the negro in America a slave, and where are the acts or constitutions which have declared him a citizen entitled to all the privileges and immunities of citizens of the United States? 30; it is not every person who is born in a State and born free, that becomes a member of the political community, 30; who then are citizens of the United States? 30; the mass of people in this country may be divided into two classes—free people and slaves—but the class of free people includes many who are not citizens, who may be divided into aliens, citizens, and denizens, 30; a State possesses the right of excluding from settling in its limits even the citizens of another State, 31; has not every county and parish a right to exclude paupers and vagrants, 31; usage expounds the law, the States possess the right of exclusion, for they have exercised it, and Congress has sanctioned the right, 31; the clause in the constitution of Missouri is not a law in itself, as is the clause of the Constitution of the United States to which it is said to stand opposed, 31.

The authority of the constitution of Missouri is express and positive, and is in restraint of personal liberty, and of the means of contesting personal rights, 31; it is said a State possesses the right not only of banishing her citizens, but excluding from her limits paupers, lepers, &c., 32; that a State may banish for crime, and guard herself from pestilence, need not be denied, 32; why send this matter to the Judiciary for adjudication? It may be years before it reaches that tribunal, 32; are our free negroes and mulattoes citizens, 32; peculiar characteristics of citizens, 32; females and minors enjoy the privileges of citizenship and immunity of the laws of the State to which they must demean themselves, 33.

The right of a State to admit the colored person born within her limits to the privileges of citizenship considered, 33; the objection to the recognition of the right in question is founded on an entire misapprehension of the consequences of its exercise, 34; this misapprehension founded on an erroneous view of the operation of the first clause of the second section of the fourth article of the constitution, 34; what was the intention of this clause? 34; it has been imagined that under the operation of this clause, colored persons, emancipated on a condition of removal from one State in which they receive their emancipation, might be returned upon the emancipating State in the character of citizens, 34; the power of States would be found to extend to the capacity of prohibiting the ingress of citizens of other States, provided the exclusion were for causes affecting the individual merely, and not the class, 35; if it is not the wish of any State to have colored citizens, we should have neither the wish nor authority to derogate from their right to do so, 35; it is language of guarded respect for State rights has been for some time going out of fashion, 35; the object of these remarks is to show what may be the just construction of the very delicate

clause of the constitution, assuming a reciprocity of the privileges of citizenship to the citizens of the several States, 35; suppose these persons could be assigned to this rank in some of the States, ought the clause of the constitution of Missouri to be considered as operating upon such of these persons as were citizens? 36; the consequences of the proceedings which might now be adopted, 37.

Amendment moved qualifying the assent of the admission of the new State into the Union by an exception of a particular clause of the constitution, 37; withdrawn for the present, 37; moved to strike out the preamble, 37; carried, 37.

The requirement of the constitution of Missouri, 37; a direct infringement of the Constitution of the United States, 37; are free negroes or mulattoes or any of them citizens of the United States? 37; it was never believed that discriminations effected a total extinguishment of citizenship, 38; the constitution of Tennessee, 38; the law forbidding marriages between whites and blacks in Massachusetts, 38; black people exempt from serving in the militia, 38; consider the acknowledged situation, in a general point of view, of free black people, 38; constitution of Kentucky, 38; constitution of Maryland, 38; North Carolina, &c., 38; when our constitution was formed this class of people lived among us, not in the character of foreigners, they were connected with no other nation—this was their native country, 39; they have the right to pursue their own happiness in as high degree as any other class of people, 39; upon what principle can any right be singled out, as one of which they are to be deprived? 39; the word citizen, in its original sense, 39; if our free black population should be impressed in a foreign port, how could we redress the wrong, if we have no political connection with them, if they do not belong to our political family? 39; in the Journals of Congress there were other free citizens besides white citizens, 40; the subject of manumitted slaves, 40.

No doubt Missouri is not at present a State of this Union, 41; it is both the right and duty of Congress to examine the constitution which has been submitted to us, and if found repugnant to the Constitution of the United States, to refuse to admit the State, 41; the constitution of Missouri is republican, 41; the only objection relates to a particular provision, 41; the character and extent of the objectionable provision, 41; if this clause neither enlarges the power, nor increases the obligations of the Legislature of Missouri, the power of the State in relation to this Government, and the checks and balances of the latter are the same as they would be independent of it, how can we say this clause is unconstitutional? 42; if this clause do not violate the constitution, it is not possible for Congress to anticipate the passage of an unconstitutional law, and prospectively to pronounce it void, 42; and why do we fear the Legislature of Missouri more than we do those of the other States, 42; is the clause irreconcilable with the Constitution of the United States, 42; the great majority of free negroes and mulattoes are citizens of no State, 42; it is duty to give to the words of this clause that sense in which they are usually employed in all parts of the country, and by men of all classes, 42.

Free negroes and mulattoes are not that description of citizens contemplated by the Constitution of the United States as entitled to Federal rights, 42; it must be admitted that these people have many rights, 42; the definition of a citizen under our Government, 42; views of *Vattel*, 44; it was competent in the original formation of the societies which now compose this Union to admit into the association, or to exclude from it, any description of persons whatsoever, 44; the original condition of the

African race in this country was that of slaves, 44; where is there any positive institution providing for their incorporation into the civil community, or extending to them civil rights, 44.

Is the constitution of Missouri repugnant to the Constitution of the United States? 45; are negroes and mulattoes citizens of any State? 45; it is said if other States are allowed to declare who may be their citizens why should not Missouri have the same right, 45; in many, perhaps in all the States, a distinction is made between those who are freeholders and those who are not, 45; reference to the marriage laws of Massachusetts, 45; the position assumed will lead to the inevitable conclusion that negroes and mulattoes who in any State can demand the exercise of civil rights and privileges in common with that class to which they belong, are entitled to the character of citizens, 46; in the same State different persons may be confined to different rights, and yet all be citizens, 46; a person must be considered a citizen who by the laws of the State is invested with political rights, 46; has any negro or mulatto political rights in any State? 46; the constitution of Vermont considered, 46; during the revolutionary war free blacks entered the service with whites, and in some States slaves purchased their freedom by serving in the ranks, 47; after the war they returned to their respective States, and who would say to them you are not to participate in the rights acquired by the struggle? 47; the preamble to the constitution ought to read, we the *white* people, 47; blacks and mulattoes in Massachusetts are citizens having civil and political rights in common with the whites, 48; by whom and for whose use and benefit was the constitution formed? 48; facts which prove incontestably their federal rights, 48; it is said they are few in number, 48; further debate, 49; resolution rejected, 50.

Resolution of Inquiry, relative to the existence of judicial tribunals in Missouri, offered, 57; Missouri appears to stand entirely disconnected from any legal or political relations with this Government, 57; she has discarded every attribute of a territory, 57; what is it that Congress can admit into the Union? a State not a territory, 58; the authority of the Union may hang over her, but there is no legal mode by which it can be exercised, 58; where are the channels by which the authority of the Government can be enforced? 58; motion to lay the resolution on the table, 58; this resolution assumes as the groundwork certain opinions in regard to Missouri about which the sentiments of the members of this House had already been expressed, 58; the inquiry whether the relation of Missouri be indeed changed must precede such a resolution as this, 58.

The resolution does not involve any such question as has been supposed, 59; it proposes an inquiry into a matter of fact, 59; delay urged, 59; every one who gave his vote against the admission of Missouri must have seen the necessity of this inquiry, 59; the resolution proposes an inquiry not into a matter of fact but of law, 59; the resolution should be laid on the table that time may be given to obtain the necessary information, 60; no official information but that the condition of the territory was the same as heretofore, 60; the present not the proper time for this resolution, 60; when all other projects fail for the admission of Missouri this resolution will be acceptable, 60; the motion to lay on the table is not unprecedented, 60; the report of the committee on this resolution may have considerable influence on the question to be decided on the proposition of the Senate, 60; resolution laid on the table, 61.

Amendment of the Journal of the House proposed, 63; moved to insert the words "the state of" before

the word "Missouri," 63; the journal should correspond to the fact, 63; the omission of the words does not take from Missouri the character of a State, 63; the memorials profess to come from the legislature of the State of Missouri, 63; by the amendment the journal will correspond to the fact, 63; a decision in favor of the proposed amendment will not express the sense of the House, 63; refusal to withdraw the amendment, 63; customary to give memorialists in the journal the name they themselves assume, 63; a precedent applicable to the occasion, 63; the conduct of his Britannic Majesty towards these States when colonies, 63; duty of the House to see that facts were correctly stated in the journal, 63; motion lost, 63.

The uniform practice has been to describe whether memorials are from States or territories, 63; moved to amend the journal by inserting the words "the territory of" before the word Missouri, 63; Missouri is in the grade between territorial dependence and the condition of a member of the Union, 63; the proposition will operate as a trap question producing embarrassment without benefit, 63; the name is no importance to the actual condition of Missouri, 63; who made the alterations appearing in the journal? 64; made by order of the Speaker, 64; further debate, 64; there seems to be a suppression of something in the journal, 65; the act of last session authorized Missouri to assume the name of a State, 65; not advisable or proper to decide incidentally a main question, 65; as the House has decided what Missouri is not, they must now say what she is, 65; further debate, 66; motion lost, 67.

Moved to amend by inserting the words "in the late territory of Missouri," 67; moved to amend by striking out the word "late," 67; the object was merely to give a correct recital of the memorial, 67; moved to reconsider the vote on the first motion relative to the word State, 67; lost, 67; motion to strike out the word "late" lost, 68; moved to substitute the words "in the United States," 68; motion lost, 68; moved to postpone indefinitely, 68; withdrawn, 68; motion to insert "in the late territory," &c., lost, 69; adjourned, 69; resolution relative to the duty of the Speaker and right of the House over the journal offered, 69; requirements of the constitution relative to the journal, 69; facts show what is best to be done on the present occasion, 69; further remarks, 70; consideration of the resolutions refused, 71.

Resolution for the admission of Missouri upon her expunging the objectionable clause of her constitution, 74; object is to remove the only objection to the admission of Missouri, 74; moved to postpone, 74; lost, 74; resolution disagreed to, 74.

Resolution from the Senate, for admitting Missouri into the Union, with a *caveat* against the clause, if there be any, which conflicts with the Constitution of the United States, considered, 83; moved to strike out the *caveat*, 83; this motion goes to present the naked question, 83; the proviso is useless and unnecessary, 83; motion lost, 83; moved to amend by requiring the expunging of the objectionable clause within two years, 83; object to afford an opportunity to propose such modifications as will secure the vote of the majority for the resolution, 84; the resolution is more objectionable than the one reported by a committee of the House, and rejected, 84; by this mode of proceeding you might admit Missouri if her constitution made a perfect monarchy, 85; it is said, it would be no objection to her admission if the clause of her constitution was incompatible with the Federal Constitution, 85; if the Judiciary could remedy the evils we should not disregard the rights guaranteed to the black man, 85; refusal to withdraw the amendment, 85; an amendment to the

amendment proposed, 86; negatived, 86; other amendments proposed and lost, 86; original amendment lost, 87; a substitute moved for the proviso to the Senate's resolution, 88; what is the object of the amendment but indirectly to alter the constitution of Missouri, 88; whence did Congress derive this immensity of power? 88; a duty of Congress to come to a decision in this matter, 88; objections to slavery, 89; its extension objected to on grounds of policy, 89; it is in the nature of man to be forgetful of right, 90; the balance of power, 90; what can a majority of this House hope to gain by this unhallowed struggle? 91; the propriety of submitting the question to the people is urged, 91; amendment lost, 91; various amendments moved and lost, 92.

Motion for a Committee of Thirteen offered, 92; agreed to, 92.

Appropriation bill considered, and moved to reduce the estimate for members of Congress as it was founded on estimates including members from Missouri, 92; debate, 93; motion to include a separate appropriation for members from Missouri carried, 93.

Resolution to authorize the State of Missouri to form a new constitution offered and laid on the table, 94.

Report of Committee of Thirteen, 94; considered, 100; amendment moved to the amendment of the committee, 100; negatived, 100; duty of Congress in the case of Missouri, 100; objection to the admission and action of the House relative to that objection, 101; report of committee negatived in committee, 101; reported to the House and indefinite postponement moved, 101; further debate, 102; postponement lost, 103; House refuse to concur with the Committee of the Whole, 103; question on ordering resolution of the Select Committee to a third reading, lost, 104; moved to reconsider, 104; this question might be settled without recourse to reconsideration, 105; a reconsideration will keep the door open for a reconsideration, 105; vote for reconsideration carried, 105; question on the engrossment of the amendment considered, 105; the condition annexed to the admission of Missouri does not obviate the objection, 106; what is the first member of this resolution? 106; establish this doctrine and to what will it lead, 106; further debate, 106, 107; the present is the most awful period which has hitherto occurred on this delicate subject, 108; extract from a letter of Mr. Jefferson, 108; Missouri, in complying with the act of Congress of the last session, has submitted to you the best republican constitution, and the objectionable article inserted may fairly be considered as done under the sanction of Congress, and almost under their recommendation, 108; her legislature, 108; her judiciary, 108; her constitution compared with New York, Massachusetts, Pennsylvania, Maryland, and Virginia, 108; the great question is the acceptance of this constitution and the admission of this State into the Union, 109; the clause is not unconstitutional, 109; at the time I drew the article of the constitution, I knew there did not exist such a thing in the Union as a black or colored citizen, nor could I then have conceived it possible such a thing could ever have existed, 109; a citizen in South Carolina, 109; at the close of the war all the States had slaves, 109; how has the emancipation been effected, 110; there can be no question what the opinion of Europe is on the black race, 110; the conduct of England, 110; decision of her courts at home, 110; the case in the dominion of France, 111; conduct of the Romans, 111; the compromise has been viewed as binding in honor on every part of the Union, 111, it is said Missouri knew this was repugnant to the constitution, 112; question on ordering the resolution to a third reading, lost, 112.

Resolution relative to counting the vote of Missouri

for President offered, 112; the vote of Missouri cannot affect the result, and it was deemed best to provide for the case before the joint meeting, 112; this special verdict in the case of Missouri objectionable, 112; neither House has power to decide on the vote of any State, 112; the Electoral college is independent of Congress, 112; better see an interregnum than a principle adopted which goes to the very foundation of the Presidential office, 112; the House is about to declare hypothetically what is the vote for President, 112; were the electors of Missouri appointed or not? 114; the case of Indiana, 114; the two Houses are called to annunciate the votes and of course to decide what are votes, 114; better to exclude the votes entirely than set such an example, 114; simple justice requires the admission of Missouri to the enjoyment of her rights, 114; what is the actual duty of the General Assembly of Missouri resulting from the oath they are required to take, 115; resolution agreed to, 115; resolution offered, declaring that Missouri is one of the States of the Union, and that her Electoral vote ought to be received, 116; we can now see the precipice to which the decision of the House has brought us, 116; votes of States for President have been received previous to a declaration of their admission into the Union, 116; members from new States have been admitted to seats, previous to a declaration of the admission of such States, 116; let us know whether Missouri is a State of this Union or not, 116; motion to postpone a further consideration of the resolution, 116; this House has no power on this subject independent of the Senate, 116; on what authority can you refuse to admit Missouri, 117; your office is merely ministerial in regard to the electoral votes, 117; what is the theory of our constitution? 118; what was to be the practice as now proposed? 118; what will be the effect of those proceedings but to rivet Missouri to the section of the country which has supported her, 118; if Missouri is a State without the consent of Congress she has no right to complain of oppression by Congress refusing to recognize her, 118; the odious and foul combination against her is to be reprobated, 118; this is the first instance in which Missouri has knocked at the door and demanded her rights; it is now for us to permit her to come in, or to refrain from excluding her, 119; will you thrust her electors from this Hall? 119; what were we told at the election of Jefferson and Burr? 119; motive operating on the joint committee in recommending their course on the vote of Missouri, 120; further debate, 120; motion to lay on the table, 120; motion carried, 120; further proceedings in counting the electoral votes, 121; confusion, 121; declaration of the vote, 121; debate on the mode of proclamation, 121; resolutions offered declaring the election illegal, 121.

Resolution offered to admit Missouri, provided the objectionable clause was expunged from her constitution within a certain time, 122; resolution to repeal the act authorizing Missouri to form a constitution, 124; remarks, 124; resolution for a grand joint committee offered, 126; carried, 126; committee elected, 128; report of the committee, 128; resolution of committee passed, 129; the resolution, 129; vote, 129; proclamation of the admission of Missouri, 129. *See Index*, vols. 4, 5, 6.

MITCHELL, GEORGE E., Representative from Maryland, 592.

MITCHELL, JAMES S., Representative from Pennsylvania, 216, 277, 592.

MITCHELL, THOMAS E., Representative from South Carolina, 216, 277; on surgeons in the Navy, 412; on the road from Ohio to Michigan, 415.

Missouri's Contract for stone, considered, 237.

MONELL, ROBERT, Representative from New York, 2. *See Index*, vol. 6.

MONROE, inaugural address at his second term, 182. *See Index*, vols. 1, 2, 3, 4, 5.

MONTAGUE, BASIL, evidence relative to the bankrupt law, 284.

MONTGOMERY, THOMAS, Representative from Kentucky, 3, 216, 377; on the South American Provinces, 36.

MOORE, GABRIEL, Representative from Alabama, 216, 377, 592.

MOORE, ROBERT, Representative from Pennsylvania, 3. *See Index*, vol. 6.

MOORE, SAMUEL, Representative from Pennsylvania, 3, 216. *See Index*, vol. 6.

MOORE, THOMAS P., Representative from Kentucky, 592.

MOORE, THOMAS L., Representative from Virginia, 3, 216, 378; on the surrender of fugitive slaves, 296; on charges against Judge Tait, 412.

MORGAN, JOHN J., Representative from New York, 216, 378, 600.

MORRILL, DAVID L., Senator from New Hampshire, 187, 348; on a drawback on cordage, 191. *See Index*, vol. 6.

MORTON, MARCUS, Representative from Massachusetts, 3, *See Index*, vol. 6.

MOSLEY, JONATHAN O., Representative from Connecticut, 3. *See Index*, vols. 4, 5, 6.

Mother of Commodore Perry.—In the House, a resolution relative to allowing a pension to, offered, 594; bill reported at last session, but not acted on for want of time, 594; adopted, 594; bill for relief of, considered, 618; the facts of the case, 618; her last dependence was taken from her, 619; a country is as much bound by the obligations of gratitude as an individual, 619; on what is the claim founded? 619; her support during the life of her son, 619; events since the death of Commodore Perry, 619; does not this claim come within the principle of gratitude, 620; the contest on Lake Erie, 620; is not this amount within that frugality which ought to govern your bounty? 621; considerations showing that the provisions of this bill are strictly compatible with the established practice of the Government, 621; motion to strike out the enacting clause, 621; if we thus begin where shall we stop? 622; it is not the only case of this character, 622; an extensive pension list under a free republic is very inexpedient, 622; the idea that a nation is bound to support the widows and children and mothers of all who die in service is chimerical, 622; the present measure is an appeal to gratitude founded on the principles of expediency, 623; what are the arguments urged against these views? 623; it is not an application to the bounty of the Government, 623; it is an appeal to the justice and gratitude of the nation, 623; the principle of this bill is objectionable, Commodore Perry neither fell nor was wounded in battle, 623; what is the basis of the present pension list? 623; motion to strike out carried and bill recommitted, 624. *See Perry, Commodore*.

Mounted Troops.—*See Index*, vol. 4.

MURRAY, JOHN, Representative from Pennsylvania, 3. *See Index*, vol. 6.

MURRAY, THOMAS, Representative from Pennsylvania, 216, 377.

N

National Observatory.—*See Index*, vols. 2, 5.

Naturalization Laws.—*See Index*, vols. 1, 2, 4.

Naval Establishment, limitation of resolutions relative to, 61; report on the, 81; to increase, considered, 130.

In the House, a resolution relative to the reorganization of, offered, 248; pay of officers not on service modified by the Secretary when they are attached to the naval establishment, 248; the number of separate stations at which officers are placed has the effect to increase their compensation, 248; some information needed respecting vessels on the Lakes, 248; it does not fall within the sphere of the Committee on Naval Affairs to furnish the details called for, 249; it has always been the construction of the law that every officer receives pay until actually furloughed, 249; resolution modified and adopted, 249; report on the increase of, 306; peace establishment, report on, 417; resolution relative to, 599; message on, 663; *note*, 664. *See Index*, vols. 1, 2, 3, 4, 5, 6.

Naval Exploits.—*See Index*, vol. 5.

Naval Hospital Fund, communication on, 681.

Naval Pension Fund.—In the Senate, a bill from the House to extend the term of half pay pensions considered, 486; the origin of the naval pension fund, 486; it was to be perpetual, and the faith of the Government pledged to supply the deficiency, 486; is the income of the fund sufficient for this charge on it, 486; the section to be added to the bill, considered, 487; the effect of it if adopted will be to restore the fund to its original and legitimate uses, 487.

In the House, a bill to continue for five years pensions to widows, &c., considered, 605; measures for the passage of the bill, 606; for whose benefit is this bill? 606.

Navigation Laws.—*See Index*, vol. 4.

NEALE, RAPHAEL, Representative from Maryland, 4, 216, 378, 598. *See Index*, vol. 6.

Negroes, Kidnapping.—*See Index*, vol. 2.

NELSON HUGH, Representative from Virginia, 3, 216, 377; balloted for Speaker, 4; on the amendment of the Journal, 68. *See Index*, vols. 4, 5, 6.

NELSON, JEREMIAH, Representative from Massachusetts, 3, 215, 377, 592. *See Index*, vols. 5, 6.

NELSON, JOHN, Representative from Maryland, 216, 377; on the Indian department, 231; on the charges against Judge Tait, 412; on appropriation for the Cumberland road, 442.

Neutral Relations, message relative to violation of, 424. *See Index*, vols. 3, 4, 5, 6.

NEUVILLE, BARON DE, letters to the Secretary of State, 317.

NEW, ANTHONY, Representative from Kentucky, 216, 377. *See Index*, vols. 1, 2, 3, 4, 5, 6.

New England, Mississippi Land Company, report on, 361.

New Orleans, defence of, *see Index*, vol. 5.

NEWTON, THOMAS, Representative from Virginia, 3, 216, 377, 592; on the disbursement of public money, 390. *See Index*, vols. 2, 3, 4, 5, 6.

Niagara Frontier Sufferers.—*See Index*, vol. 5.

NOBLE, JAMES, Senator from Indiana, 187, 348, 465; on memorial of Assembly of Indiana, 510; on amendments to the constitution, 524. *See Index*, vols. 5, 6.

Non-Intercourse.—*See Intercourse*.

Non-Importation.—*See Index*, vols. 2, 4.

Non-Exportation in foreign bottoms.—*See Index*, vol. 4.

Northwest Coast of America.—In the Senate, a resolution relative to, considered, 366; the sovereignty of the Columbia river is claimed by England, 366; grounds on which the claim is based, 367; England now has possession of the country in question, 367; she resists the possession of the United States, 368; the party in possession in 1828 will have the right of possession until the question of title is decided by war or negotiation, 368; other provisions of the treaty unaccountable, 369.

Norway, message relative to trade with, 206.

O

Oaths.—See *Index*, vol. 1.

O'BRIEN, JEREMIAH, Representative from Maine, 591.

Officers of the Customs.—In the Senate, a bill for the compensation of Collectors, &c., considered, 156; principle adopted by the committee, 156; the officer would have no interest if made a salaried officer, 156; details of the bill, 156; office of deputy collector instead of occasional and temporary has become permanent and fixed, 157; report of the Secretary in 1820 on clerk hire, 157; changes in New York and Boston, 158.

In the House, Senate bill considered, 344; amendments moved and lost, 344; bill ordered to a third reading, 344.

Officers, removal of.—See *Index*, vol. 1.

Officers, plurality of.—See *Index*, vol. 3.

Office, a certain, inquiry respecting the constitutionality of. See *Index*, vol. 5.

Ohio State Government.—See *Index*, vol. 2.

Ohio and Mississippi Rivers, report on, 670.

OLDFIELD, JOHN J. C., report on the petition of, 192.

Ordinances of 1787.—See *Index*, vols. 3, 4; and *Index*, vol. 6, *Missouri*.

Orleans Territory.—See *Index*, vol. 4; *Territories*.

OTIS, HARRISON GRAY, Senator from Massachusetts, 188; on the suppression of piracy, 155; on the adjournment of the session, 170; on a drawback on cordage, 191. See *Index*, vol. 6.

OVERSTREET, JAMES, Representative from South Carolina, 3, 216. See *Index*, vol. 6.

OWEN, GEORGE W., Representative from Alabama, 593.

P

Paintings of the Principal Events of the Revolution.—See *Index*, vol. 5.

PALMER, WILLIAM A., Senator from Vermont, 187, 343, 465. See *Index*, vol. 6.

PARKER, JAMES, Representative from Massachusetts, 3.

PARKER, SEYMOUR E., Representative from Virginia, 6; on the amendment of the Journal, 63, 64.

PARROTT, JOHN F., Senator from New Hampshire, 187, 343, 465; on building sloops of war, 491; on the transportation of specie, 516. See *Index*, vol. 6.

PATTERSON, JOHN, Representative from Ohio, 592.

PATTERSON, THOMAS, Representative from Pennsylvania, 3, 216, 377, 592. See *Index*, vol. 6.

PATTERSON, WALTER, Representative from New York, 216, 377.

Pay of Members.—See *Index*, vols. 5, 6.

Pennsylvanians Insurgents.—See *Index*, vol. 1.

Pensions to Wounded Officers of the War of 1812.—See *Index*, vol. 6.

Pension Bill, Revolutionary.—In the House, a bill to provide for persons engaged in the land and naval forces during the Revolutionary war, considered, 291; supplement to the two acts passed by Congress, 291; estimate of the number of persons, 291; how were these soldiers paid? 291; motion to strike out the first section of the bill, 292; add nearly a million to the present fund, 292; what is the character of this act? 292; motion lost, 292; bill ordered to the third reading, 293; passed, 293; bill relative to the revival and allowance of, considered, 323.

Pensioners, Revolutionary, a list of, in each State, 466.

Perry, Commodore Oliver H.—In the House, a bill for the relief of the family of, considered, 73; proposed to appropriate \$1,330 per annum, of which, \$350 shall go to the mother of Perry, 73; moved to amend by allowing

half pay for five years, 73; motion lost, 73; moved to strike out the amount to Perry's mother, 73; carried, 73; moved to make the gross amount the same as before, 73; lost, 73; bill ordered to a third reading, 73.

PERRY, SARAH, report on petition of, 417; bill for the relief of, 613.—See *Mother of Commodore Perry*.

Petitions, reception of.—See *Index*, vol. 2, and *Slavery*, vols. 1 and 6.

PHELPS, ELIZABETH, Representative from Connecticut, 2. See *Index*, vol. 6.

PHILIPS, JOHN, Representative from Pennsylvania, 216, 377.

PHILSON, ROBERT, Representative from Pennsylvania, 2. See *Index*, vol. 6.

PIERSON, JEREMIAH H., Representative from New York, 216, 377.

PINKNEY, CHARLES, Representative from South Carolina, 1; on the admission of Missouri, 107; on the petition of Rebecca Hodgson, 159. See *Index*, vol. 2.

PINKNEY, WILLIAM, Senator from Maryland, 144; deceased of, 164. See *Index*, vol. 1, 3.

Piracy, suppression of.—In the Senate, a resolution offered to inquire into the expediency of building an additional number of vessels to protect our commerce in the Gulf of Mexico, 154; better not to designate the size of the vessels, 154; it would be interfering with the Executive to direct that a part of the naval force should be employed in a particular service, 154; five or six additional small vessels very much wanted for this purpose, 154; resolution modified and agreed to, 155.

In the House.—Bill considered making appropriations for the support of the navy, 244; debate on the amount of the appropriation, 245.

Report relative to the suppression of, 266; message relative to pirates in the West Indies, 333.

In the Senate.—Bill reported from the Committee on Naval Affairs, 354; force estimated to be necessary, 354; House bill presented and read, 354; moved that the Senate bill be substituted for the House bill as an amendment thereto, 354; it has been questioned how far the power of the President reached in the punishment of these buccanniers, 355; no nation or authority would feel aggrieved by having these freebooters pursued within its jurisdiction, 355; important to act with the greatest degree of promptitude on this subject, 355; no substantial difference between the two bills, 355; comparison of the bills, 355; amendment lost, 355; House bill passed, 355; resolution to offer a bounty for the capture of pirates considered, 357; by inducements secure a speedy end to the war against the pirates in the West Indies, 357; precedent afforded by the late war, 357.

In the House.—Resolution relative to inquiry as to measures necessary for the suppression of piracy offered, 399; reasons for the inquiry, 399; death of Lieut. Allen, 393.

Bill to authorize an increased naval force considered, 384; amendments offered, 384; moved to strike out the word "purchase," so as to require the vessels spoken of to be built, 384; will be more worthy objects of expenditures, 384; the question is between purchasing and building vessels, 385; the object of the bill would be better answered by leaving to the Executive the right to purchase, 385; we cannot wait the slow process of construction, 385; temporizing measures would enhance the evil, 385; doubtful if piracy can be suppressed without giving to our naval officers authority to pursue the pirates on land and make them prisoners, 386; this bill gives no such authority, 386; we have a right to execute our own laws, but not to make or execute laws for another country, 386; amendment offered authorizing the President to pursue them on any of the West

India islands, 886; pirates are the enemies of all mankind, 886; every nation has a right to put down piracy, 886; by this amendment no limit is opposed to the authority of the government, 887; in framing our laws we ought to have regard to the laws of nations, 887; a fatality in every thing connected with these pirates, 887; when captured ill-timed clemency saves them, 887; needless impediments thrown in the way of the bill, 887; a question on which this House ought not to attempt a decision 887; whatever rule we apply may of right be reciprocated on us, 888; it proposes to give Congress power to make war, 888; amendment inconsistent with the principles of public law, and with the necessity in which we are placed, 888; this amendment does not enlarge the powers of the Executive, 888; more time should be taken to consider this bill, 889.

PROCTOR, NATHANIEL, Representative from New York, 8, 216, 877. *See Index*, vol. 6.

PLASANT, JAMES, Senator from Virginia, 187, 848; on the suppression of piracy, 184; resigns his seat, 354. *See Index*, vol. 4, 5, 6.

PLUMER, GEORGE, Representative from Pennsylvania, 216, 877, 592.

PLUMER, WILLIAM, JR., Representative from New Hampshire, 8, 215, 877, 591; on the amendment of the Journal, 65. *See Index*, vol. 6.

POINSETT, JOSEPH R., Representative from South Carolina, 216, 424, 593; reports on national medals, 377; on the South American Governments, 801; on an agent to Greece, 608; relative to European combinations against Spanish American States, 650; on the duty on wines, 702.

Portrait of Columbus, proceedings respecting, 543.

Portugal, commerce with.—In the Senate, a resolution for information relative to, 568; former character of this trade, 568; operation of the tariff of 1816 on products of Portugal, 564; course adopted by Portugal, 564; unpleasant consequences, 564; how far has the attempt been successful to remedy these consequences, 564; the effect produced on the trade of Portugal by the tariffs at different times adopted, 564; resolution agreed to, 565.

Postage of Newspapers.—*See Index*, vol. 2.

Postmaster General, report of, 662.

Post-Office.—*See Index*, vol. 1.

Post-Office Patronage.—*See Index*, vol. 5.

Potomac River Bridge.—*See Index*, vol. 8.

Pre-emption, the right of.—In the Senate, a petition for the right of pre-emption to a small tract on the west bank of the Mississippi, 488; moved to reverse the report, which was unfavorable, 488; the committee reported against the claim on the ground that the petitioner had settled in violation of the act of Congress, 488; the petitioner had been an officer of distinguished merit, 488; the land in its natural condition is worthless, 488; additional value this settlement gives to the neighborhood, 488; the act of Congress forbids all persons settling on the public lands, 489; report of committee agreed to, 489; note, 489.

Presents to Ministers.—*See Index*, vol. 2.

Presidency, vacancy in.—*See Index*, vol. 1.

Previous Question.—*See Index*, vol. 1, 4, 5.

PRINCE, WILLIAM, Representative from Indiana, 598.

Printer, election of, resolution relative to, 180; election of by the House, 447.

Private losses in service.—*See Index*, vol. 5.

Privateers.—*See Index*, vol. 4, 5.

Privateer Pension Fund, report on the, 494.

Prize money, petitions for, 706.

Proclamation of the President, relative to Missouri, 129.

Propagating the Gospel among the Heathen.—In the Senate, resolution to call for a copy of the patent granting 12,000 acres of land to the Society of United Brethren for

the use of the Christian Indians, &c., considered, 161; a historical sketch, 161; converted Indians an example to the people of Connecticut, 162; Nain, Shawakin, Bethlehem, Nazareth in Pennsylvania, when founded, 163; Gundenhuthen, Schoenbrunn, and New Salem, in Ohio, 163; Indians to whom the lands were granted, 163; the grant conveyed only use of the land, 163; the example furnished by Canada relative to the conversion of the Indians, 163; experience at Lake Superior, 163; new society for the conversion of the Indians, 163, note, 164; state of the United Brethren in Ohio, 164; resolutions agreed to, 164; message on, 705; note, 705.

Protective Duties.—*See Index*, vol. 1 and *Duties on Imports*, vol. 5, 6.

Public Defaulters.—In the House, resolutions relative to, offered, 890; no provisions in the statutes for the punishment of public defaulters, 890; very little trust to be placed in the integrity of public officers, 890; present laws wholly inadequate to secure the treasury, 890; a defaulter is eligible to public office, 891; further debate, 891; resolution adopted, 891.

Public Documents, suppression of.—In the House, a resolution offered relative to the suppression of a portion of a certain letter, 429; amendments made to the resolution, 430; if it is ascertained that the Secretary of the Treasury has withheld information which ought to have been imparted to this House, it is a proper subject for investigation, 430; amendments proposed, 430; utmost latitude should be allowed to the investigation, 431; the inquiry of the committee will be, what were the motives for the suppression, 431; this necessarily connected with the facts, 431; object to ascertain who made these marks which have been the subject of so much speculation, 431; the two objects of inquiry ought to go together, 431; author of the marks, 431; report of committee, 433; object is to find out who made those marks, 433; what are the grounds upon which the first part of the resolution recommends itself to our attention? 433; what is the objection made to the inquiry? why that members of the House ought not to be suspected of having done it? 433; is that any reason against it? 433; further debate, 433; question on agreeing to the original resolution, 434; this matter originated out of the House, 435; these marks have been suffered to sleep for twelve months within the knowledge of some members of this House, 435; further remarks, 436; no advantage can flow from the further prosecution of the inquiry before the House, 437; an inquiry into the management of the funds of the United States, and into the making of this mark, should not be referred to the same committee, 437; no blame can attach to any one, 437; no further information than the House has can be desirable, 437; matter of little importance whether the mark was made with a mischievous intention, or who the writer was, 438; the document appears to have been mutilated since it came into the possession of this House, 438; personal explanations, 438, 439; a department is not required on a call to send any more of its papers than is pertinent to the call, 439; further debate, 440; resolution agreed to, 441; letter of Secretary of the Treasury, 438; report, 434.

Public Lands.—In the House, a bill for the relief of purchasers of the public lands prior to July, 1829. considered, 127; not one in a thousand has purchased public land, no ground for leniency such as would exist if all the citizens were debtors, 127; the wretched and poor have no part in this matter, 127; the liberal provisions given in the bill, 127; the precedent a dangerous one, 127; amendments proposed and lost, 128.

In the Senate.—A resolution of inquiry into the expediency of repealing the act prohibiting settlements on the public lands, 439; many members had expressed

opinions that the act should be repealed, 489; vast tracts in Louisiana remain unsettled, and it is not in the power of the State under present circumstances to do any thing for their settlement, 489; the true policy of the country to prohibit by all possible means the unlawful settlement of its lands, 489; further debate, 490.

A memorial from the Assembly of Indiana offered, 516; it presents two subjects for the consideration of Congress, 516; to admit persons who had forfeited their payments previous to the act of 1821, to apply the same amounts to future purchases, 516; the expediency of reducing the price of lands in those districts where they have been offered for sale for ten or more years, 516. *See Index*, vols. 1, 2, 3, & 4.

Public Buildings, expenditure, report on, 298; report relative to, 298. *See Index*, vol. 5.

Public Accounts, bill relative to, considered, 383, 413.

Public Agent, before the Ghent commission, debated, 541.

Q

Quakers, Memorial of.—*See Index*, vols. 1, 2, 3.

Quartermaster's Department.—*See Index*, vol. 4.

R

RANDOLPH, JOHN, Representative from Virginia, 2, 221, 277, 596; on the powers of the Clerk under a vacancy of the Speakership, 5; on the amendment of the Journal, 63, 68; on the admission of Missouri, 83, 106; on reconsidering the vote relative to Missouri, 106; on the vote of Missouri for President, 113, 114, 117, 119, 121; on the Indian department, 235, 236; on the appropriation for the suppression of piracy, 245; on military appropriations, 254; on transactions in Florida, 258, 261, 262; on the demise of Pinkney, 263, 268; announces the decease of Pinkney, 263; explains the cause of his announcing the decease previous to the fact, 263; on the proposed adjournment, 267, 268; on relief of Sarah Perry, 626; on European combinations against Spanish American States, 651; on the Greek cause, 654; on adjournment, 693; on the tariff, 737; on the duty on sugar, 751, 757.—*See Index*, vols. 2, 3, 4, 5, & 6.

RANKIN, CHRISTOPHER, Representative from Mississippi, 7, 215, 277; on grants of land for education, 600. *See Index*, vol. 6.

Ransom, prohibition of.—*See Index*, vol. 5.

Real Estate and Slaves, valuation of.—*See Index*, vol. 5.

REED, JOHN, Representative from Massachusetts, 215, 277, 592; on the duty on Tallow, 693. *See Index*, vol. 5.

REED, PHILIP, Representative from Maryland, 277. *See Index*, vol. 6.

REED, PHILIP, letter of, 309.

REID, ROBERT RAYMOND, Representative from Georgia, 3, 218; on the amendment of the Journal, 69; on the South American Provinces, 99; on transactions in Florida, 261; on the suppression of public documents, 438. *See Index*, vol. 6.

Report relative to the State Constitution of Missouri, 6; on the case of Matthew Lyon, 9; of the Secretary of the Treasury, 9, 218; on the occupation of the Columbia River, 74; on a naval peace establishment, 81; on gold coin, 87; of the Committee of Thirteen, 94; on the Spanish American Republics, 124; of the Joint Committee on Missouri, 123, 129; on the Georgia Militia Claims, 129; on Military Affairs, 211; of Secretary of the Treasury on Banks of Deposit, 250; on Vaccination, 256; of Secretary of War on the Army Expenditure, 271; on national medals, 277; on Weights and Measures, 277; on a Hemp and Flax Machine, 279; on South American Inde-

pendence, 287; on expenditure on public buildings, 288, 326; on the increase of the Navy, 306; on the Carver grant, 358; on the New England Mississippi Land Company, 361; relative to deposits in banks, 373; on petition of Sarah Perry for a pension, 417; relative to Indian reservations, 422; on the case of Judge Tait, 423; on Beaumarchais Claim, 423; on foreign coins, 427, 428; on an apportionment of midshipmen, 445; on Indian trading posts, 469; on the amendments to the constitution, 483; on the Privateer Pension Fund, 494; on the Mississippi Land Company, 508; on Western Boundary of Arkansas, 549; on the Delaware Canal Company, 566; on the petition of Julia Lawrence, 600; on amendments to the constitution, 600; on relief of land purchasers, 627; on revolutionary pension, 627; on Michigan contested election, 629; on the Ohio and Mississippi Rivers, 670; on the effect of the Tariff, 694; on French spoliations, 705.

Representation, ratio of.—*See Index*, vols. 1, 2, & 4.

Representatives, qualifications of.—*See Index*, vol. 6.

Resignation, does it cause a vacancy. *See Index*, vol. 1.

Resolutions, relative to the reduction of expenditures, 6;

relative to West Point Academy, 11; relative to the occupancy of the Columbia River, 51; relative to taking bank notes in payment of duties, 51; relative to the Military Academy, 54; relative to the position of Missouri, 57; relative to the decease of John Linn, 61; relative to a limitation of the naval force, 61; relative to amendment of the Journal, 70; relative to the admission of Missouri, 74; do. from the Senate, 83, 91; relative to Missouri, 94; relative to the South American Provinces, 95; of the Committee of Thirteen, 103; on the election of President, &c., 113; relative to the vote of Missouri for President, 116, 121; relative to a bounty on fishing vessels, 122; do. relative to the slave trade and emancipation, 128; on the decease of William A. Burwell, 128; relative to repealing the Missouri Compromise, 124; for a Joint Committee on Missouri, 126; relative to the election of printer, 130; relative to the decease of William A. Trimble, 144; relative to rules and orders, 144; relative to military roads, 144; relative to appropriations of territory, 145; relative to amendment of the constitution, 145; relative to the suppression of piracy, 154; relative to drawbacks, 155; relative to Louisiana land titles, 159; relative to lands to certain Christian Indians, 160; relative to decease of William Pinkney, 165; relative to lands for education, 165; relative to Indian affairs, 169; relative to the cost of building ships, 171, 191; relative to revenue from lead mines, 201; relative to the importation of slaves, 201; relative to affairs in Florida, 218; relative to the decease of W. A. Trimble, 220; relative to fugitives from labor, 221; relative to the United States Bank, 224; for a monument to General Wooster, 232; relative to militia fines, 235; relative to vaccination, 244; relative to Russian claims on the Northwest coast, 249; relative to the reorganization of the navy, 249; relative to the Military Academy, 253; on the decease of William Pinkney, 263; relative to the transactions in Florida, 264, 270; note, 170; relative to Sunday mails, 269; relative to withdrawing the papers relating to the christianization of the Indians, 270; relative to a military establishment, 287; relative to the South American Governments, 297; relative to public defaulters, 329; relative to a monument to Baron DeKalb, 327; to stop advances unless on extra occasions, 323; relative to members of Congress being interested in contracts, 323; relative to lead mine leases, 336; on contract of Elijah Mix, 337; relative to militia fines, 337; of thanks to the Speaker, 346; relative to Louisiana lands, 359; on the occupation of the Northwest coast, 363; relative to unsettled accounts, 390; relative to hostile expedi-

tions to countries at peace, 383, 388; respecting the articles of agreement between Georgia and the United States, 391; relative to Prevost's report on the Columbia River, 399; relative to Canadian Refugees, 410; relative to surgeons in the Navy, 412; relative to the decease of William Lowndes, 420; relative to the boundary line with Great Britain, 424; relative to Western Armory, 426; relative to the suppression of public documents, 429; relative to crimes on the high seas, 442; on the suppression of the slave trade, 455; relative to Spanish Privateers, 461; acknowledging Grecian Independence, 480; relative to Florida land titles, 480; on pensions to families of persons killed in privateer service, 487; relative to the visit of Lafayette, 492; on decease of William L. Ball, 514; on expenses and reforms in the Navy, 589; respecting the mother of Commodore Perry, 594; to appoint a commissioner to Greece, 594; relative to a naval peace establishment, 599; on inquiry into service of naval officers, 599; on grants of land for education, 599; on light-houses, &c., on Southern shoals, 600; on European combinations against American Spanish States, 603; on trade with the Indians, 607; on Miami purchase, 607; relative to Maison Rouge's land claim, 616; respecting road in Michigan, 626; relative to Lafayette, 626; respecting a monument to Washington, 639; respecting European combinations, 650; on a portrait of Washington, 696; respecting money in the hands of prize agents, 752.

Restrictive System, report on, 173.

Revenue, collection of, *see Index*, vol. 5.

Revenue Cutters.—*See Index*, vol. 4.

Revolutionary Pensions, bill considered, 200. *See Pensions*.

Revolutionary Land Warrants, bill considered, 447.

REYNOLDS, JAMES B., Representative from Tennessee, 592.

RHEA, JOHN, Representative from Tennessee, 3, 216, 377; on the amendment of the Journal, 63, 65; on the election of President, &c., 114, 115; relative to the Indian Department, 295; on the Florida Government, 294; on the military peace establishment, 382; on the suppression of public documents, 440. *See Index*, vols. 3, 4, 5, 6.

Rhode Island, admission of, *see Index*, vol. 1.

RICH, CHARLES, Representative from Vermont, 5, 215, 413, 592; on trade with the Indians, 607. *See Index*, vols. 5, 6.

RICHARDS, JOHN, Representative from New York, 592.

RICHARDS, MARK, Representative from Vermont, 3. *See Index*, vol. 6.

RICHMOND, JONATHAN, Representative from New York, 3. *See Index*, vol. 6.

RINGGOLD, SAMUEL, Representative from Maryland, 3. *See Index*, vols. 5, 6.

RIVES, WILLIAM C., Representative from Virginia, 595.

Roads, Post.—*See Index*, vol. 3.

Road from Memphis to Little Rock.—In the House, a bill for laying out and making considered, 608; object to unite the two bodies of settlers, 608; ordered to a third reading, 608; no part of the road passes through Tennessee, 615; save more than four hundred miles to settlers, 615; *note*, 615; appropriations for roads by Congress, 615; bill recommitted, 616; ordered to a third reading, 616; bill passed, 617; *note*, 617.

From New Orleans to Nashville.—In the Senate, a resolution relative to, offered, 356; dangers of the mail route, 356; the mail establishment in Louisiana almost useless, 356; constitutional question not involved, 356; the road opened by the troops of the United States, 356; road three hundred miles shorter than another, 356.

From Ohio to Michigan.—In the House, a bill considered in Committee, 408; the grounds and objects of

the bill, 408; amendments made, 408; enormous charge of transportation from Ohio to Michigan, 414; provision of the treaty, 414; during a war it would be of the first importance to make this point safe, 414; a reference to every treaty with the Indians for twenty years would exhibit provisions for roads in almost every direction, 415; this bill will be but a beginning, and once enter the wedge and you will not get clear of it for ten years to come, 415; the treasure of the country as well as its blood had been wasted for want of the road, 415; the land was conveyed to the United States for the express purpose of making the road, and ought therefore to be ceded, 415; one of the most vulnerable points of our country is the Territory of Michigan, 415; Ohio has expressed her willingness to take upon herself the expense and trouble of making the road, 416; in a pecuniary point of view the House cannot err in passing this bill, 416; the exposure of Michigan, 416; ought Michigan to be expected to make this road? 417; bill ordered to be engrossed, 417; resolution relative to, 604.

In Florida.—In the House, the bill relative to, considered, 610; a measure imperiously demanded by the peculiar circumstances of the country, 610; open a fertile tract between two seats of population, 611; moved to strike out so much as provides for the employment of the United States troops, 611; no substitute proposed, 611; how can the troops be better employed? 611; dangers from the climate, 611; the mind of the nation made up to the propriety of employing the troops, 612; their employment might be confined to certain months of the year, 612; the danger is visionary, 612; bill ordered to be engrossed, 612.

Roads and Canals, surveys for.—In the Senate, a bill to provide the necessary surveys for roads and canals, considered, 585; the passage of the bill would be taken as a recognition of the power of Congress to construct roads and canals, 586; such measures should be pursued as would tend to produce a more intimate connection between the Atlantic States and the Mississippi valley, 586; proviso moved, that previous to any survey the consent of the State should be obtained, 586; lost, 586; other amendments offered, 586; postponement moved and lost, 586; bill ordered to a third reading, 586.

In the House.—The bill for considered, 637; the constitutional right, 637; the expediency of the measure, 628; the spirit of the nation will justify a large expenditure on great national objects, 638; this measure not calculated to test the sense of the House on the question of internal improvements, 628; the House cannot fairly approve this bill unless they assent to the general power, 628; what does the bill propose? 629; if the ulterior measure for which this information is sought is unconstitutional, Congress is not warranted to take the preparatory steps, 631; the constitutional question examined, 631; if no consent is required from the States, it must be because the power is granted in the constitution, 631; another view of the constitution as a whole, 632; the case of precedents, 632.

The constitutional right and expediency of appropriations for internal improvements are too obvious and irresistible to need illustration, 632; the constitutional point examined, 633, 634; a difference of opinion existed for years between the executive and legislative departments of the Government on this subject, 634; it is said that powers of a municipal character belong to the States, and those relating to external affairs to the General Government, 635; hence it is inferred that all internal improvements belong to the States, 635; several sources of power disclaimed, 636; there is no specific grant in the constitution of the power of appropriation, nor was such requisite, 636; the extent of Government

- improvements in the West, 687; what has this Government done on the great subject of internal improvements? 688; motion to strike out the enacting clause lost, 688; bill ordered to be engrossed, 688; copy of the bill, 689; ordered to third reading, 688.
- ROBERTSON, GEORGE, Representative from Kentucky, 8; on the amendment of the Journal, 62, 67; on the South American Provinces, 96, 99. *See Index*, vol. 6.
- ROCHMSTER, WILLIAM B., Representative from New York, 216, 877.
- RODNEY, CÆSAR AUGUSTUS, Senator from Delaware, 184, 216, 848; relative to Louisiana land titles, 160; on stopping pay to certain officers, 197; on the suppression of piracy, 357; resigns his seat, 359; appointed Minister to Buenos Ayres, 359.
- RODNEY, DANIEL, Representative from Delaware, 877.
- ROGERS, THOMAS J., Representative from Pennsylvania, 3, 216, 877, 592. *See Index*, vol. 6.
- ROSE, ROBERT R., Representative from New York, 592.
- ROSE, THOMAS R., Representative from Ohio, 3, 216, 877, 598; on the amendment of the Journal, 65, 67. *See Index*, vol. 6.
- Rouge Mission*, the claim of, 189.
- RUGGLES, BENJAMIN, Senator from Ohio, 187, 848, 465; on Virginia Land Warrants, 155; on the petition of Rebecca Hodgson, 159; on the Indian trade, 188; on striking out the duty on hemp, 572. *See Index*, vol. 6.
- RUGGLES, CHARLES H., Representative from New York, 877.
- Rules*, motion to amend, 145.
- RUSE, JOHN, Representative from Connecticut, 3, 223, 877. *See Index*, vol. 6.
- RUSSELL, JONATHAN, Representative from Massachusetts, 215, 877; reports on South American Independence, 287.
- Russian Claims* on the North West coast, resolution on, 249; considered, 253; message on, 334.
- RYLAND, REV. WILLIAM, elected chaplain of the Senate, 144.
- S
- Salt Duty and Fishing Bounty*.—*See Index*, vol. 5, *Duties on Imports*.
- SAVEDRA, ROMULUS M., Representative from North Carolina, 216, 877, 592; on charges against Judge Taft, 411; on the suppression of public documents, 429.
- SAYFORD, JAMES T., Representative from Tennessee, 592.
- Savannah, relief of*.—*See Index*, vol. 2.
- SAWYER, LEMUEL, Representative from North Carolina, 3, 216, 413; on the proposed adjournment, 268; on Mir's contract for stone, 337. *See Index*, vols. 2, 4, 6.
- SCHIEFFLIN & SON, petition of, 708.
- SOOTY, JOHN, Delegate from Missouri, 3, 216, 877, 592. *See Index*, vols. 5, 6.
- Seamen, protection of*.—*See Index*, vol. 2, 4.
- Seamen, foreign merchant*.—*See Index*, vol. 6.
- Seat of Government*.—*See Index*, vol. 1, 2, 3, 5.
- Secret Proceedings, publication of*.—*See Index*, vol. 4.
- Sedition law of 1798*.—*See Index*, vol. 4, 6; and *Index*, vol. 2, *Defensive Measures and Seditious Practices*.
- Seminole War*.—*See Index*, vol. 6.
- Senate*, convenes at 1st session of 17th Congress, 187; adjourns at close of 1st session of 17th Congress, 210; convenes at 2d session of 17th Congress, 343; adjourns 2d session of 17th Congress, 376; convenes at 1st session of 18th Congress, 465; adjourns at close of 1st session of 18th Congress, 590.
- SENECA, JOHN, Representative from Pennsylvania, 3, 216, 417; balloted for as Speaker, 4; on the Missouri Constitution, 17; on the position of Missouri, 58, 59; on the South American Provinces, 96; relative to the bankrupt laws, 224; on the bankrupt bill, 223. *See Index*, vol. 5, 6.
- SETTLER, THOMAS, Representative from North Carolina, 2. *See Index*, vol. 6.
- SEYMOUR, HORATIO, Senator from Vermont, 127, 243, 465.
- SHANNON, GEORGE, case of, 180.
- SHARPE, PETER, Representative from New York, 592; on roads in Florida, 612.
- SHAW, HENRY, Representative from Massachusetts, 2.
- SIBLEY, JONAS, Representative from Massachusetts, 592.
- SIBLEY, SOLOMON, Delegate from Michigan, 216, 379; on American captives among the Indians, 379; on the road from Ohio to Michigan, 414, 417.
- SILBER, NATHANIEL, Representative from Massachusetts, 9; on bank notes in payment of duties, 58. *See Index*, vol. 6.
- SIMKINS, ELDRED, Representative from South Carolina, 2. *See Index*, vol. 6.
- Slaves, action of Indiana*.—*See Index*, vol. 4; do. *Deported*, *see Index*, vol. 6.
- Slaves, Fugitives*.—In the House, a bill to provide for the surrender of persons held to labor on their escape, 294; power should be limited to Judges of Courts of Record, 296; loss of some districts by runaways, 296; moved to strike out the enacting clause, 296; does the bill contain any necessary provisions beyond those already existing? 296; committee rise, 297; motion to strike out the enacting clause moved and carried, 308; bill reported, 317. *See Index*, vols. 5, 6. Do. *Importation of*, *see Index*, vol. 6; and *Index*, vol. 3, *Duties on Imports*. Do. *Indemnity for*, *see Index*, vol. 6. *Migration of*, *see Index*, vol. 6. *Petitions*, *see Index*, vol. 1, 2, 4, 5.
- Slave Trade and Emancipation*.—In the House, resolutions offered relative to, 122; they may be the means of closing forever the growing controversy between the North and South, 122; five hundred millions of acres of land contemplated to be devoted as a fund for emancipation, 122; practical operation of this fund, 122; the original plan of Las Casas, 123; note, 122; the resolutions, 122; laid on the table, 123.
- Suppression of*.—In the House, a resolution relative to opening negotiations with European Governments respecting the effectual abolition of the Slave Trade, 455; this commerce has been declared the disgrace of Europe and the scourge of Africa, 456; the Government of the United States prohibited it as soon as it acquired constitutional power to do so, 456; unquestionable evidence of the deplorable extent to which those horrible cargoes are smuggled into the Southern States, 456; the United States cannot be insensible of the danger of inundating with new floods of black population their territory, 457; all means hitherto employed have failed, 457; the remedy proposed, 457; let this slave trade be denounced as piracy under the law of nations, 457; technical objections have been urged against the legal accuracy of the application of the term piracy, 457; it is nothing on the high seas without a lawful commission from any authority, 457; the present period is most auspicious for the success of the experiment recommended, 457; amendment offered "that we agree to a qualified right of search," 459; eighty thousand Africans are annually victimized to bondage, 459; extracts from the Edinburgh Review, 459; amendment rejected, 459; resolution agreed to, 459. *See Index*, vol. 2.
- Slave Traffic in the District of Columbia*.—*See Index*, vol. 5.
- Slavery, resolutions relative to, in new States*.—*See Index*, vols. 3 and 6; and *Index*, vol. 2, *Territories*.
- Slave Trade, African*.—*See Index*, vol. 6.

BLOAN, JOHN, Representative from Ohio, 2, 216, 277, 592. *See Index*, vol. 6.

BLOOM, JESSE, Representative from North Carolina, 2; de-
cease of, 51. *See Index*, vol. 6.

Sloops of War.—In the Senate, a bill to authorize the building of an additional number of sloops of war considered, 491; this class of the greatest use both in peace and war, 491; by passing this act Congress would only restore the former number of sloops of war, 491; the navy about to be increased beyond what circumstances require, 491; letter of the Secretary of the Navy read, 491; regard should be had to the finances of the country, 492; postponed, 492; further debate, 494; question on filling the blank for the appropriation, with \$425,000 annually for two years, 504; in 1816 a million dollars was appropriated, 505; is the increase of the navy less desirable than at that time? 505; objections which have been urged, 505; the history of nations will show that their freedom had done more towards their success than any thing else, 506; how long we shall continue a commercial nation we cannot tell, 506; it is said that our extensive seacoasts require a navy, 506; no navy can supersede the necessity of an army, 507; economy has been spoken of every year, yet every year we spend more and more, 507; the only objection seems to be to the amount of the appropriation, 507; no necessity for building so many vessels immediately, 507; amount reduced, 508; bill ordered to a third reading, 508.

SMITH, ARTHUR, Representative from Virginia, 216, 277, 592.

SMITH, BALLARD, Representative from Virginia, 2. *See Index*, vol. 5, 6.

SMITH, BERNARD, Representative from New Jersey, 2. *See Index*, vol. 6.

SMITH, JAMES S., Representative from North Carolina, 2. *See Index*, vol. 6.

Smith, John, the case of.—*See Index*, vol. 2.

SMITH, JOHN SPENCER, Representative from Kentucky, 216, 278.

SMITH, SAMUEL, Representative from Maryland, 2, 216, 277; balloted for as Speaker, 4; on bank notes in payment of duties, 59; on the amendment of the Journal, 62; on the appropriation relative to Missouri, 92, 93; on the South American Provinces, 96; on expenditure of the Indian Department, 299, 300; on the suppression of piracy, 344, 385; on military appropriations, 358, 359, 364, 385, 386; on the appropriation for a Minister to Portugal, 392, 393; on the appropriation bill, 394; Senator from Maryland, 354, 465; resigns his seat in the House, 389; on building sloops of war, 492, 494; on amendments to the constitution, 512, 531. *See Index*, vol. 2, 3, 4, 5, 6.

SMITH, WILLIAM, Senator from South Carolina, 137, 248; on the adjournment of the session, 169, 170; on the Indian trade, 188. *See Index*, vol. 5, 6.

SMITH, WILLIAM, Representative from Virginia, 216, 278, 592. *Small Armed Vessels.*—*See Index*, vol. 5.

SMYTH, ALEXANDER, Representative from Virginia, 2, 216, 277, 592; on the Missouri Constitution, 39; on the bankrupt bill, 239; on military appropriations, 336; on the suppression of piracy, 386; on the suppression of public documents, 437; on the Greek cause, 559. *See Index*, vol. 6.

Soldiers of the Revolution.—*See Index*, vol. 2, 6.

SOUTHWARD, HENRY, Representative from New Jersey, 4; on bank notes in payment of duties, 52. *See Index*, vol. 2, 3, 4, 5, 6.

SOUTHWARD, SAMUEL L., Senator from New Jersey, 137, 253.

SPLAIGHT, RICHARD D., Representative from North Carolina, 592.

Spain, Ratification of the Treaty of 1819 with, 124.

South American States.—In the House, a resolution to ap-

propriate an outfit for a Minister to any independent South American State, 93; the adoption of the proposition inexpedient at this time, 93; recognition of South American Independence urged, 93; resolution lost, 94.

Resolution of sympathy in their struggle and relative to a recognition of their independence offered, 95; motion to lay on the table made and lost, 95; it proposes to make needless professions, 95; on encroachment on the power of the Executive, 96; it is a fair exercise of the undoubted rights of the House, 96; the resolution supererogatory, if not of injurious tendency, 96; indefinite postponement moved, 96; true policy of the country to stand aloof from this conflict as the powers of Europe more deeply interested had done, 96; we should not hesitate to throw our weight in the scale of liberty, 96; doubtful if a President could recognize the independence of a foreign power without the consent of this House, 96; the relative situation of Spain and her colonies is now different from what it was two or three years ago, 97; if any thing was done on this subject it should be by all branches of the Government, 97; further debate, 96; resolution agreed to, 99; report of the committee appointed to present to the President the resolution relative to the South American Republics, 124; message from the President relative to the South American States, 171; message relative to, 275; report from Secretary of State, 376.

In the Senate.—A bill making appropriations to defray the expense of missions to the independent nations of the American continent considered, 204; amendment moved and lost, 205; amendment moved that the President should not appoint any minister, but with the advice and consent of the Senate, 205; provided for by the constitution, 205; the appointment can be made in the recess, 205; bill ordered to a third reading, 205.

In the House.—Report of the Committee of Foreign Affairs relative to the independence of the South American Provinces, 237; report of the committee in favor of recognizing the independence of South American Governments considered, 297; a great political event just struggling into birth, 297; all the Spanish nations of America are free, 298; the nations of America had suffered more from the severity of commercial interdictions and colonial monopoly than they had from the cruelty of arbitrary power, 298; what is the American system? 298; it is free government and free trade, 299; the great interests of the West India islands are in unison with the interests of the continent, 299; no reason for delay, if we consider this subject in reference to ourselves and our foreign and domestic relations, 299; some hold that nations whose political opinions and principles have been formed in the school of despotism must undergo long probationary periods, 300; it was the will of Providence that this continent should be the arena of successive revolutions, 300; if experience and long suffering can create the faculties of self-government, then the people of America are prepared to manage their own affairs, 301.

If ever there was an occasion that justified a revolution, this was one, 301; the eyes of a jealous and suspicious Government constantly watched the industry of the colonist, 301; the policy of Spain repressed the advancement of knowledge in her colonies, 302; oppression did not fall equally upon all, 302; Buenos Ayres has triumphed over the repeated and formidable efforts of the mother country, 302; utter inability of Spain to recover her possession of these countries, 303; resources of those States, 303; some have supposed their independence would injure the United States, 304; no measure short of a full recognition of unconditional independence could have the effects, 304; report agreed to, 305; letter

- to the Speaker, 309; motion to enter on the Journal lost, 309; moved to reconsider the vote, 319; a dangerous precedent, 319; carried, 319; declaration of the member, 330.
- Resolution of inquiry relative to the determination of European Governments to assist Spain to recover her colonies, 604; character of the President's Message, 605; impressions of the President, 605; resolution agreed to, 605. *See Index*, vol. 6, *Spanish American Colonies*.
- SPARKS, JARED, elected Chaplain of the House, 318.
- Specie Payments*.—*See Index*, vol. 5.
- Specie, transportation of in public vessels*.—In the Senate, a bill respecting the transportation of specie, &c., in public vessels, considered, 515; origin of the permission, 515; no regulation on the subject, 515; this bill regulates the maximum of freight, 515; further remarks, 516; bill ordered to a third reading, 516.
- SPENCER, JOHN S., Representative from Maryland, 593.
- SPENCER, ELIJAH, Representative from New York, 216, 333.
- STANDREY, JAMES, Representative from Tennessee, 592.
- State Balances*.—*See Index*, vol. 2.
- STAUGHTON, REV. DR., elected Chaplain of the Senate, 473.
- STANTON, WILLIAM, elected Chaplain to the House, 593.
- ST. CLAIR, General, petition of the daughter of, 593.
- St. Domingo*, message on the political and commercial state of, 571. *See Index*, vol. 2.
- STEPHENSON, JAMES, Representative from Virginia, 377, 592.
- STERLING, ANSEL, Representative from Connecticut, 377, 592.
- STERLING, MICAH, Representative from New York, 377; on the suppression of public documents, 431, 439.
- STEWART, ANDREW, Representative from Pennsylvania, 216, 373, 596; on transactions in Florida, 390; on the appropriation bill, 395; on internal improvements, 447.
- STEVENS, JAMES, Representative from Connecticut, 8; on the South American Provinces, 37. *See Index*, vol. 6.
- STEVENSON, ANDREW, Representative from Virginia, 216, 377, 592; on the Indian Department, 381; on relief of Sarah Perry, 622; on the decease of W. L. Ball, 674.
- Stocks*, exchange of, bill considered, 283.
- STODDARD, EZEKIEL, Representative from Connecticut, 377, 592.
- STOKES, MONTFORT, Senator from North Carolina, 137, 356.
- Stoppage of pay to defaulters*, debate on, 193.
- STORRS, HENRY R., Representative from New York, 3, 592; on the Missouri Constitution, 34; on bank notes in payment of duties, 51; on the resolution relative to Missouri, 60; on the amendment of the Journal, 67, 68; relative to Missouri, 86; on the admission of Missouri, 104; on the case of Mr. Bailey, 692. *See Index*, vol. 6.
- STREET, RANDALL S., Representative from New York, 3. *See Index*, vol. 6.
- STRONG, JAMES, Representative from New York, 3, 592. *See Index*, vol. 6.
- STRONG, WILLIAM, Representative from Vermont, 3; on the Missouri Constitution, 31. *See Index*, vol. 6.
- Suability of States*.—*See Index*, vol. 2.
- Suppliers in War*.—*See Index*, vol. 6.
- Sugar*.—*See Index*, vols. 5 and 7, *Duties on Imports*.
- Sunday Mails*.—In the House, a resolution of inquiry into the expediency of preventing the carriage of the mails on Sunday, 269; House refused to consider it, 269. *See Index*, vol. 5.
- Suppression of Public Documents*.—Letter of the Secretary of the Treasury, 453; report on the, 454. *See Public Documents*.
- Surveyors General*, bill relative to, 224.
- SWAN, SAMUEL, Representative from New Jersey, 216, 377, 592.
- SWALLOUGH, THOMAS V., Representative from Virginia, 3, 216. *See Index*, vol. 6, *Van Swearingen*.
- STARKES, JOHN OLIVER, petition of, 171; theory, petition respecting, 431.

T

- TAIT, Judge, *charges against*.—In the House, a letter presented preferring charges against Charles Tait, Judge in Alabama, 411; papers should be referred to the Committee on the Judiciary before printing, 411; a similar communication was presented at the last session, and the writer was regarded as a madman, 411; inquiry will result in a clear acquittal of the judge, 411; the author of the memorial, 411; nothing in the petition or documents to induce the committee to investigate the case, 412; referred, 413; report of committee, 423.
- TALBOT, ISRAEL, Senator from Kentucky, 133, 343, 445; on a drawback on cordage, 191; on striking out the duty on hemp, 571. *See Index*, vols. 5, 6.
- TATNALL, EDWARD F., Representative from Georgia, 216, 377; on the agreement between Georgia and the United States, 391; on the suppression of public documents, 433.
- Tariff*, report on the effect of, 694.—*See Duties on Imports*.
- TARR, CHRISTIAN, Representative from Pennsylvania, 4. *See Index*, vol. 6.
- Taxes Direct*.—*See Index*, vols. 2, 5, 6. *Do. War*.—*See Index*, vol. 6.
- TAYLOR, JOHN, Senator from Virginia, 343, 507; on amendments to the constitution, 523, 537; on claims against the United States, 560; on striking out the duty on hemp, 570; on the duty on cottons, 576.
- TAYLOR, JOHN W., Representative from New York, 3, 216, 377, 592; balloted for as Speaker, 4; elected Speaker, 5; speech, 5; address on the vote of thanks, 131; on the suppression of piracy, 335; on the decease of William Lowndes, 430; on costs in suits by patentees, 607; on contingencies, 700.—*See Index*, vols. 5, 6.
- TAYLOR, WILLIAM, Senator from Indiana, 137, 343, 465.
- TEN EYCK, ROBERT, Representative from New York, 592.
- Tennessee, admission of*.—*See Index*, vol. 1.
- Territorial Governments*.—*See Index*, vol. 4.
- Territories*.—*See Index*, vols. 1, 2, 3, 4, 6.
- TETZ, JOHN, Representative from Indiana, 592.
- THOMAS, JAMES B., Senator from Illinois, 137, 353, 465.
- THOMPSON, PHILIP, Representative from Kentucky, 592.
- THOMPSON, SMITH, letter as Secretary of the Navy, 330.
- THOMPSON, WILEY, Representative from Georgia, 216, 377, 592.
- Title of President*.—*See Index*, vol. 1.
- TOD, JOHN, Representative from Pennsylvania, 216, 377, 592; on expenditure of the Indian department, 223; on the tariff bill, 666, 731; on the duty on woollens, 675, 676, 679; on the duty on tallow, 696; on iron, 725.
- TOMLINSON, GIBSON, Representative from Connecticut, 3, 216, 377, 592; on the report of the Committee of Thirteen, 100; on the duty on molasses, 703. *See Index*, vol. 6.
- TOMPKINS, CALDER, Representative from New York, 3.
- TOMPKINS, DANIEL D., presides in the Senate, 144, 343; letter to the Senate, 158; bill for the relief of, 474.
- Accounts of*.—In the House, a bill appropriating a certain sum of money for the relief of, 596; moved to strike out the enacting clause, 596; report of last session, 596; must be convinced that the money is due, 596; law of the last session directing the accounts to be adjusted on the principles of justice and equity, 596; they have been scrutinized by the accounting officer, 596; the amount is clearly due by the decision of all branches of the Government, 597; this is not the case of an individual asking of the House a gratuity, or an unauthorized allowance, but asking to do what Congress was pledged to do, 597; the act of last session, 597; if the claimant

were the most obscure person in society the House is bound to pass the bill, 598; a dangerous entering wedge, 598; the accounts had been credited, but there was no appropriation to pay them, 598; motion to strike out the enacting clause lost, 599; bill ordered to be engrossed, 599; message on the accounts of, 704; report on the claim of, 759; claim of, 759.

Torpedo Experiments.—See *Index*, vol. 4.

TREATY, ALBERT H., Representative from New York, 8, 216, 877, 599; on the election of President, &c., 115; on the suppression of piracy, 245; on military appropriations, 886; on the suppression of public documents, 489; on the duty on woollens, 675.—See *Index*, vol. 6.

Treason and Sedition defined.—See *Index*, vol. 2.

Treason, punishment of.—See *Index*, vol. 5.

Treasury Notes.—See *Index*, vol. 5.

Treasury, report of the Secretary of, 9, 71, 218, 408, 609.

Treasury.—See *Index*, vols. 1 and 6.

Treaty with Great Britain.—See *Index*, vol. 1.

Treaty-making Power.—See *Index*, vols. 1 and 5.

Treaty with Spain.—See *Index*, vol. 6.

TRIMBLE, DAVID, Representative from Kentucky, 8, 216, 877, 592; on bank notes in payment of duties, 58; on the amendment of the journal, 64; on the appropriation relative to Missouri, 93; on the election of President and Vice-President, 118; relative to the suppression of piracy, 245, 889; on military appropriations, 255; on transactions in Florida, 258; on the South American Governments, 297; on decisions of Supreme Court, 596; on the accounts of Tompkins, 598; on roads in Florida, 612; on road from Memphis to Little Rock, 618; on a monument to Washington, 641. See *Index*, vol. 6.

TRIMBLE, WILLIAM A., Senator from Ohio 144; decease of, 220.

TRUMBULL'S Paintings, resolution relative to, 296, 817.

TUCKER, GEORGE, Representative from Virginia, 8, 216, 877, 592; on the exchange of certain stocks, 816; on the occupation of the Columbia River, 404; on the claim of Beaumarchais, 605. See *Index*, vol. 5.

TUCKER, STEELING, Representative from Ohio, 8, 216, 877, 592; on postponing the tariff bill, 760. See *Index*, vol. 6.

Two Thirds Vote.—See *Index*, vol. 3.

TYLER, JOHN, Representative from Virginia, 7; relative to the admission of Missouri, 90; on the appropriation relative to Missouri, 98; on the South American Provinces, 96.

TYSON, JACOB, Representative from New York, 592.

U

UDEN, DANIEL, Representative from Pennsylvania, 61, 592.

Union, dissolution of, see *Index*, vol. 4.

Unsettled balance.—See *Index*, vol. 5.

UPHAM, NATHANIEL, Representative from New Hampshire, 8, 215, 877. See *Index*, vol. 6.

V

Vaccination.—In the House, a bill to incorporate the National Vaccine Institution, on its passage, 8; recommitment moved, in order to locate it in the District of Columbia, 8; power of Congress to establish corporations over the country doubted, 8; no unconstitutional feature in the bill, 8; object innocent and laudable, 8; object to establish an institution by subscription, whence should issue vaccine matter to the towns and counties which subscribe, 8; these subscriptions now in an agent's hand, and the object to place them where they will be safe, 8;

unnecessary to limit by words in the bill what is already limited by the constitution, 8; the question of the power of Congress within and without the District, 8; if the bill is recommitted it will drop for the rest of the session, 9; bill passed, 9; vote on in the Senate, 206; letter from the agent, 244; report on, 256, 875.

VAN BUREN, MARTIN, Senator from New York, 187, 848, 466; on the Indian trade, 188; on stopping pay to certain officers, 191; reports relative to the New England Mississippi Land Company, 361; offers a resolution for an amendment of the constitution, 474; the amendment to the constitution, 490; on amendments to the constitution, 519; on striking out the duty on hemp, 570.

VANCE, JOSEPH, Representative from Ohio, 216, 877, 592; on the road through the black swamp in Ohio, 407; on Canadian refugees, 411; on the road from Ohio to Michigan, 414; on the appropriation bill, 706.

VANCE, ROBERT B., Representative from North Carolina, 592.

VAN DYKE, NICHOLAS, Senator from Delaware, 144, 848, 487; on the adjournment of the session, 169; reports on the Carver grant, 858. See *Index*, vol. 6.

VAN RENSSELAER, SOLOMON, Representative from New York, 8, 216. See *Index*, vol. 6.

VAN RENSSELAER, STEPHEN, Representative from New York, 279, 877, 592.

VAN WYCK, WILLIAM W., Representative from New York, 216, 877, 592; on military appropriations, 269.

Vessels, registering and clearing, see *Index*, vol. 1.

Veto Message of Cumberland road bill, 843.

Vice and Rear Admirals.—See *Index*, vol. 5.

Vidal's Heirs, the case of, 273.

VILLIERS, MARCOS DE, petition of, 161.

Vine and Olives, encouragement of the cultivation of by an appropriation of land, considered, 835.

VINTON, SAMUEL F., Representative from Ohio, 592.

Virginia Military Land Claim.—See *Index*, vols. 4, 5.

Virginia Land Warrants.—In the Senate, a resolution submitted to inquire into the location of patents to Revolutionary officers in the reservations of Kentucky and Ohio, 155; conditions of the Virginia cession in 1784, 155; proceedings by holders of soldiers' warrants, and of Congress and Virginia, 155; object of the resolution is to ascertain whether the contract between Virginia and the United States had been fairly executed, 155; it had taken more land to satisfy these warrants than had ever been anticipated, 155; with proper information it can be easily ascertained whether fraud has been committed or injustice practised, 155; debate on, 446.

Vote of a State for President received previous to a declaration of their admission, see Missouri.

Vote of Approbation.—See *Index*, vol. 4.

Votes for President and Vice-President, counting and debate on, 116.

W

WALKER, FELIX, Representative from North Carolina, 8, 223, 877; on the South American Provinces, 96. See *Index*, vol. 6.

WALKER, JOHN W., Senator from Alabama, 143. See *Index*, vol. 6.

WALLACE, JAMES M., Representative from Pennsylvania, 8. See *Index*, vols. 5, 6.

WALWORTH, REUBEN H., Representative from New York, 216, 877; on the Indian department, 290; on transactions in Florida, 259; on Canadian refugees, 410.

War, declaration of against Great Britain, see *Index*, vol. 4.

War, conduct of the.—See *Index*, vol. 5.

WARR, NICHOLAS, Senator from Georgia, 148, 358, 469.

WARTFIELD, HENRY R., Representative from Maryland, 3, 216, 377, 598; on the amendment of the Journal, 62, 67; relative to the Indian department, 925; on resolutions respecting Lafayette, 680; on the appropriation bill, 707. *See Index*, vol. 6.

Washington, a Monument to.—In the House, a resolution of inquiry how the act of 1799 may be best accomplished, considered, 689; previous proceedings of Congress, 689; difficult to determine whether this neglect be more impolitic or ungrateful, 689; subjected to the imputation of perfidy and ingratitude, 640; we need no monuments to tell us that Washington lived, 640; further debate, 641; resolution laid on the table, 641. *See Index*, vols. 5, 6.

Washington City, capture of, *see Index*, vol. 5.

WATSON, Lieut., petition of parents of, 565.

WAYNE, ISAAC, Representative from Pennsylvania, 592.

WEBSTER, DANIEL, Representative from Massachusetts, 592; on a commissioner to Greece, 594; on costs in suits by patentees, 606, 618; on an agent to Greece, 608; on the Greek cause, 641; on the duty on tallow, 697, 698. *See Index*, vol. 5.

Weights and Measures, report on, 377.

WENDOVER, PETER H., Representative from New York, 3. *See Index*, vol. 5, 6.

Western Armory.—In the House, a resolution to establish, considered, 426; the military committee divided on the subject, 426; a measure of peculiar interest to the western country, 426; how do the facts stand? 426; the scene which occurred on the banks of the Mississippi, of citizens marching to meet the enemy without arms in their hands, 426; millions on millions are expended on public establishments on this side the mountains, but nothing on the other, 426; shall we again place ourselves in the situation we were in during the late war? 626; discussion postponed, 637.

West Point Academy.—In the House, a resolution of inquiry offered, 11; mistake to suppose the teachers and cadets are clothed at the expense of Government, 11; the report states an item for clothing, 12; a part of the corps of engineers are regularly enlisted, as other soldiers, 12; resolution modified, 12.

West Point Cadets.—*See Index*, vol. 6.

West India, British, bill relative to trade with, 906.

WHEELWRIGHT, JOHN, application for a divorce, 870.

WHIPPLE, THOMAS, JR., Representative from New Hampshire, 215, 377, 591; on contingencies, 700.

WHITE, ALEXANDER A., petition of, 483.

WHITE, DAVID, Representative from Kentucky, 592.

WHITE, PHINEAS, Representative from Vermont, 215, 377; on appropriation for the Cumberland road, 443.

WHITMAN, EZEKIEL, Representative from Maine, 216; reports on gold coin, 87; on the affairs in Florida, 221, 222; relative to the bankrupt laws, 224; on the transactions in Florida, 264. *See Index*, vol. 6.

WHITMAN, LEMUEL, Representative from Connecticut, 592.

Whitney's Patent Right.—*See Index*, vol. 4.

WHITTLERY, ELISHA, Representative from Ohio, 592.

Widows and Orphans, pensions to, *see Index*, vol. 6.

WICKLIFFE, CHARLES A., Representative from Kentucky, 592; on relief of Sarah Perry, 631; on the Tariff bill, 663.

WILKINSON, GEN., conduct of, *see Index*, vol. 3.

WILLIAMS, ISAAC, Representative from New York, 592. *See Index*, vols. 5, 6.

WILLIAMS, JARED, Representative from Virginia, 3, 216, 377, 592. *See Index*, vol. 6.

WILLIAMS, JOHN, Senator from Tennessee, 187, 343; on the

bill for the relief of Robert Purdy, 354. *See Index*, vols. 5, 6.

WILLIAMS, LEWIS, Representative from North Carolina, 3, 216, 377, 592; on military appropriations, 254; relative to charges against Judge Tait, 411. *See Index*, vols. 5, 6.

WILLIAMS, THOMAS H., Senator from Mississippi, 248. *See Index*, vol. 6.

WILLIAMSON, WILLIAM D., Representative from Maine, 221, 377; on the appropriation bill, 823.

WILSON, HENRY, Representative from Pennsylvania, 692.

WILSON, ISAAC, Representative from New York, 592.

WILSON, JAMES, Representative from Pennsylvania, 592.

WILSON, JOHN, Representative from South Carolina, 214, 377, 592.

WILSON, WILLIAM, Representative from Ohio, 592.

Witnesses, payment of in impeachment cases, *see Index*, vol. 3.

WOOD, SILAS, Representative from New York, 3, 216, 377, 592; relative to the South American Provinces, 36; on the appropriation bill, 331. *See Index*, vol. 6.

WOODCOCK, DAVID, Representative from New York, 214, 377.

WOODS, WILLIAM, Representative from New York, 592.

WOODSON, SAMUEL H., Representative from Kentucky, 214, 377; on the exchange of certain stocks, 314.

WOOSTER, General, resolution for a monument to, 232; message relative to a monument to, 684.

WORMAN, LUDWIG, Representative from Pennsylvania, 214.

WRIGHT, ROBERT, Representative from Maryland, 214, 377; on transactions in Florida, 269, 265; on the proposed adjournment, 267; on Sunday mails, 269; on the surrender of fugitive slaves, 296; on hostile expeditions, 384; on the occupation of the Columbia river, 399; on charges against Judge Tait, 412; on the suppression of public documents, 488; on the suppression of the slave trade, 458.

WRIGHT, JOHN C., Representative from Ohio, 592.

Y

Yasco Claims.—*See Index*, vol. 5.

Yates and Noyes.—In the Senate, on the Government of Florida, 171; note, 171; relative to the bill to amend the charter of the U. S. Bank, 173; on Maison Rouge's claim, 189; on stopping pay to certain officers, 197, 198, 201; on the vaccination bill, 206; relative to diplomatic intercourse with the South American States, 205; on the appointment of Nathan Towson, 212; on the appointment of James Gadsden, 212; on the appointment of Alexander Macomb, 212; on the appointment of Henry Atkinson, 212, 214; on the petition of John Wheelwright for a divorce, 370; on Louisianians land titles, 371; on petition of Alexander White, 439; note, 439; on building additional sloop of war, 506; on roads in Florida, 510; on purchase of a farm near West Point, 515; on amendments to the constitution, 540; on salary of a public agent, 542; relative to the bill respecting imprisonment for debt, 563; respecting the court for the trial of claims, 565; on the bill to provide for the survey of roads and canals, 566; on striking out the duty on iron, 569; on striking out the duty on hemp, 573; relative to the duty on cotton, 583; on wool, 583; on silk, 584; on manufactures of wool, 584; on duty on cotton bagging, 584; on worsted goods, 585; on blankets, 585; on frying pans, 585; relative to the Indian fur trade, 586; on the tariff, 586; respecting Missouri river, 588; on Tumpkins' accounts, 590; on the Maison Rouge grant, 594.

In the House.—on the resolution to admit Missouri, 49; on the resolution relative to Missouri, 61; on the bill for the reduction of the army, 72, 73; relative to the South American Provinces, 99, 100; on the resolution of the Committee of Thirteen, 104, 112; on the resolution of the Joint Committee for the admission of Missouri, 129; relative to stoppage of pay to defaulters, 199, 200; on pensions, 200; on the bankrupt bill, 286; on the resolutions relative to the South American Governments, 305; on the exchange of certain stocks, 317; on

entering on the Journal the declaration of Robert S. Garrett, 319; relative to the appropriation bill, 331; on the vetoed Cumberland road bill, 345; on occupation of the mouth of the Columbia, 421; on the resolution relative to the suppression of the slave trade, 459; on bill respecting surveys for roads and canals, 638; on surveys for roads, 665; on duty on woollens, 736; on the duty on sugar, 758; *note*, 758; on the salt tax, 761; on the third reading of the Tariff bill, 761.

END OF VOL. VII.

D. APPLETON & CO., 346 & 348 BROADWAY, N. Y.,

PUBLISH

AMERICAN ELOQUENCE:

A COLLECTION OF SPEECHES AND ADDRESSES, FORENSIC AND
PARLIAMENTARY,

BY THE

MOST EMINENT ORATORS OF AMERICA,

WITH BIOGRAPHICAL SKETCHES, ILLUSTRATIVE NOTES, AND AN ANALYTICAL INDEX,

By FRANK MOORE.

2 Vols. Royal 8vo. Embellished with 14 Fine Portraits, on Steel, of Famous American Orators.

Price for the two Volumes in cloth, \$6; Library style, \$6; half mor., \$7; half calf extra, \$8.

"There were Gyants in those days . . . mightie men, which were of olde, men of renowne."

THE design of this work is to furnish a cheap, convenient and popular LIBRARY EDITION of the most celebrated speeches and addresses, forensic and parliamentary, of the principal orators and statesmen of America. It contains many which have never before been included in any collection, and are not readily accessible to the student or the general reader. As far as attainable, specimens of the eloquence of the Continental Congress are given, illustrating the principles and portraying the sufferings of the men of the Revolution; as well as the Debates in Congress, since the year 1789, under the present organization of the Government. Selections from the earnest and able discussions in the State Conventions, of the principles involved in the adoption of the Federal Constitution, also form a portion of the work.

The collection includes the Oration of Samuel Adams, of Massachusetts, delivered at Philadelphia on the first day of August, 1776, now for the first time reprinted in America, and hitherto almost totally unknown; all the speeches of Patrick Henry; the Address to Great Britain of 1775, by Richard Henry Lee, and that of 1774, by John Jay; Judge Drayton's celebrated charge to the Grand Jury of Charleston, South Carolina; James Wilson's Vindication

of the Colonies, in 1775 ; General Joseph Warren's Oration on the Boston Massacre ; William Livingston's Speech to the New Jersey Legislature, 1777 ; John Rutledge's Speeches to the South Carolina Assembly, 1776-1782 ; John Adams' and Josiah Quincy, Jr's Defence of the Soldiers of the Boston Massacre ; Washington's Inaugural and Farewell Addresses ; John Dickinson's Speech, in 1765, before the Pennsylvania House of Assembly, and the Declaration of Congress on taking up arms, 1775 ; Dr. John Witherspoon's Speeches in in the Continental Congress, complete ; Doctor David Ramsay's Oration on the Advantages of American Independence ; Doctor Benjamin Rush's Address, " The Revolution is not over," 1787 ; Hamilton's Speeches on the Federal Constitution, and in the case of Harry Crosswell ; Fisher Ames on the British Treaty, and other specimens of his oratory ; the speech of R. Y. Hayne, of South Carolina, and Mr. Webster's celebrated Reply, as well as many others of that distinguished statesman's forensic and parliamentary efforts ; Chief Justice Marshall in the case of Jonathan Robbins, and his Speech on the Federal Constitution ; the best Speeches of Mr. Clay, and Selections from the eloquence of Red Jacket, Tecumseh, and other Indian orators. Specimens are also given of

THEODORE SEDGEWICK,
OLIVER ELLSWORTH,
R. R. LIVINGSTON,
H. H. BRACKENRIDGE,
GEORGE CABOT,
CHRISTOPHER GORE,
CHARLES PINCKNEY,
LUTHER MARTIN,
CALEB STRONG,
ELBRIDGE GERRY,
GOUVERNEUR MORRIS
RUFUS KING,
JAMES HILLHOUSE,
JAMES MONROE,
JOHN C. CALHOUN,

URIAH TRACY,
WILLIAM PINKNEY,
SAMUEL DEXTER,
JAMES A. BAYARD,
R. GOODLOE HARPER,
EDWARD LIVINGSTON,
HARRISON GRAY OTIS,
TIMOTHY BIGELOW,
JOHN C. SPENCER,
JOHN RANDOLPH,
JOEL R. POINSETT,
HENRY WHEATON,
H. S. LEGARE,
JOHN SERGEANT,
WALTER JONES,

THEOPHILUS PARSONS,
HENRY LEE,
ALBERT GALLATIN,
WILLIAM VANS MURRAY,
THOMAS ADDIS EMMET,
JOHN QUINCY ADAMS,
DE WITT CLINTON,
ANDREW JACKSON,
WILLIAM WIRT,
FELIX GRUNDY,
CHAUNCEY GOODRICH,
WILLIAM LOWMYER,
S. S. PRENTISS,
TRISTAM BURGESS,
and many others.

deemed unworthy to effect it, that it might be reserved to some other and abler hand, to extend this blessing over the community.”*

This was the last effort of Mr. Henry's eloquence. The polls were opened after he had concluded this speech, and he was elected: but he never took his seat. His health had been declining gradually for two years, when, on the sixth day of June, 1799, he died, full of honors—as a statesman, orator and patriot, unsurpassed and uneclipsed.

THE FEDERAL CONSTITUTION.†

The Preamble and the two first sections of the first article of the Constitution being under consideration, Mr. Henry thus addressed the convention:‡

MR. CHAIRMAN: The public mind, as well as my own, is extremely uneasy at the proposed change of government. Give me leave to form one of the number of those, who wish to be thoroughly acquainted with the reasons of this perilous and uneasy situation, and why we are brought hither to decide on this great national question. I consider myself as the servant of the people of this commonwealth, as a sentinel over their rights, liberty, and happiness. I represent their feelings when I say, that they are exceedingly uneasy, being brought from that state of full security, which they enjoy, to

the present delusive appearance of things. Before the meeting of the late Federal convention at Philadelphia, a general peace, and an universal tranquillity prevailed in this country, and the minds of our citizens were at perfect repose; but since that period, they are exceedingly uneasy and disquieted. When I wished for an appointment to this convention, my mind was extremely agitated for the situation of public affairs. I conceive the republic to be in extreme danger. If our situation be thus uneasy, whence has arisen this fearful jeopardy? It arises from this fatal system; it arises from a proposal to change our government—a proposal that goes to the utter annihilation of the most solemn engagements of the States—a proposal of establishing nine States into a confederacy, to the eventual exclusion of four States. It goes to the annihilation of those solemn treaties we have formed with foreign nations. The present circumstances of France, the good offices rendered us by that kingdom, require our most faithful and most punctual adherence to our treaty with her. We are in alliance with the Spaniards, the Dutch, the Prussians: those treaties bound us as thirteen States, confederated together. Yet here is a proposal to sever that confederacy. Is it possible that we shall abandon all our treaties and national engagements? And for what? I expected to have heard the reasons of an event so unexpected to my mind, and many others. Was our civil polity, or public justice, endangered or sapped? Was the real existence of the country threatened, or was this preceded by a mournful progression of events? This proposal of altering our federal government is of a most alarming nature: make the best of this new government—say it is composed of any thing but inspiration—you ought to be extremely cautious, watchful, jealous of your liberty; for, instead of securing your rights, you may lose them for ever. If a wrong step be now made, the republic may be lost for ever. If this new government will not come up to the expectation of the people, and they should be disappointed, their liberty will be lost, and tyranny must and will arise. I repeat it again, and I beg gentlemen to consider, that a wrong step, made now, will plunge us into misery, and our republic will be lost. It will be necessary for this convention to have a faithful historical detail of the facts that preceded the session of the federal conven-

* Experience had taught Mr. Henry that in opposing the adoption of the constitution, he had mistaken the source of public danger; that the power of the states was yet too great, in times of discord and war, for the power of the Union. The constitution, moreover, was the law of the land, and as such, he had sworn to obey it. He had seen it administered conscientiously, and for the good of the whole; he had, since its adoption, never leagued himself with the factions which embarrassed its operations. With parties, as such, he had no connection, and in this crisis he could come forward with clean hands to its support.—*Administrations of Washington and Adams; Tucker's Life of Jefferson.*

† So general was the conviction that public welfare required a government of more extensive powers than those vested in the general government by the articles of confederation, that in May, 1787, a convention composed of delegates from all the States in the Union, with the exception of Rhode Island, assembled at Philadelphia, to take the subject under consideration. This convention continued its sessions with closed doors until the seventeenth of the following September, when the Federal Constitution was promulgated. The convention resolved, “That the constitution be laid before the United States, in Congress assembled, and that it is the opinion of this convention that it should afterwards be submitted to a convention of delegates, chosen in each State by the people thereof, for their assent and ratification;” and in conformity with this recommendation, Congress, on the twenty-eighth of the same month, passed a resolution directing that the constitution should be submitted to conventions, to be assembled in the several States of the Union. The conventions subsequently assembled, and the expediency of adopting the constitution was ably and eloquently discussed.

‡ This speech was delivered in the Virginia convention, on the fourth of June, 1788.

The following are a few from many friendly Testimonials :

From the Rev. Francis L. Hawks, D.D., LL.D.

NEW YORK, Dec. 2, 1857.

MY DEAR SIR :

I remember that in a conversation we had not long since, you alluded to the received opinion, among our distinguished modern statesmen, that we had none of the speeches made during the Revolution, or during the early period of our legislative history. You thought the opinion erroneous, and so did I.

I have been looking with great pleasure over your late work, "American Eloquence," and am glad to find that you have set this matter right, by publishing some of the speeches: Samuel Adams' oration on Independence, (in 1777, I think,) Dr. Witherspoon's speeches, some five or six in number; Dr. Ramsay's and Mr. Drayton's, of South Carolina; and several others, little known to the public, and now published in your book, show that our fathers could talk well. Everybody knows that they could fight well.

I am greatly pleased with your labors, and earnestly hope our young men will carefully read your book. They may catch from it a spirit of genuine patriotism, as they learn what their unselfish, brave old fathers said and did to secure the freedom we enjoy.

Pray go on, and give us more eloquence illustrative of the early days of the Republic. It will put the right feeling in the hearts of our young men.

Very truly, your friend,

FRANCIS L. HAWKS.

FRANK MOORE, Esq.

From the Hon. George Bancroft.

NEW YORK, Dec. 7, 1857.

MY DEAR SIR :

I was so eager to see your work on American Eloquence, that I became the owner of a copy

almost on the very day of its publication. And I now have to thank you for the beautiful volumes which you have been so good as to send me, and which I shall doubly value for their intrinsic merit and as the evidence of your good will. They came to me as a rich gallery of mental portraits; and I think you have done well in selecting so many speeches that are of the utmost political and historical interest.

Your volumes are dangerous companions for there is so much in them to engage the mind, that I find myself hanging over their pages when I ought to be at work.

With my best thanks,

I am ever, dear sir,

Very truly yours,

GEO. BANCROFT.

FRANK MOORE, Esq.

From the Rev. E. H. Chapin, D.D., LL.D.

NEW YORK, Dec. 11, 1857.

MY DEAR SIR :

Permit me to congratulate you upon your success in your new and very valuable work upon "American Eloquence." It will supply a place in our libraries filled by no other book. Every student of our country's annals, and every lover of true oratory, has reason to thank you for a collection so copious and instructive—so replete with specimens of the noblest eloquence, and with interesting facts in the lives of men who have made our history.

I am, my dear sir,

Yours, respectfully,

E. H. CHAPIN.

FRANK MOORE, Esq.

D. APPLETON & CO. also publish the following valuable National Works, by subscription, viz:


Benton's Abridgment of the Debates in Congress. To be completed in 15 vols, royal octavo. Price, \$3 00 a vol., cloth; \$3 50 law sheep; \$4 00 hf. mor.; \$4 50 hf. calf.

The New American Cyclopædia. Edited by GEO. RIPLEY and CHAS. A. DANA. To be completed in 15 volumes, royal octavo. \$3 00 per volume, in cloth; \$3 50 library leather; \$4 00 half morocco; \$4 50 half Russia extra.

Burton's Cyclopædia of Wit and Humor. Now complete in 2 very large vols. Illustrated with more than 500 cuts expressly designed to illustrate the text, also 24 portraits of distinguished humorists. Price, in cloth, \$7; library leather, \$8.

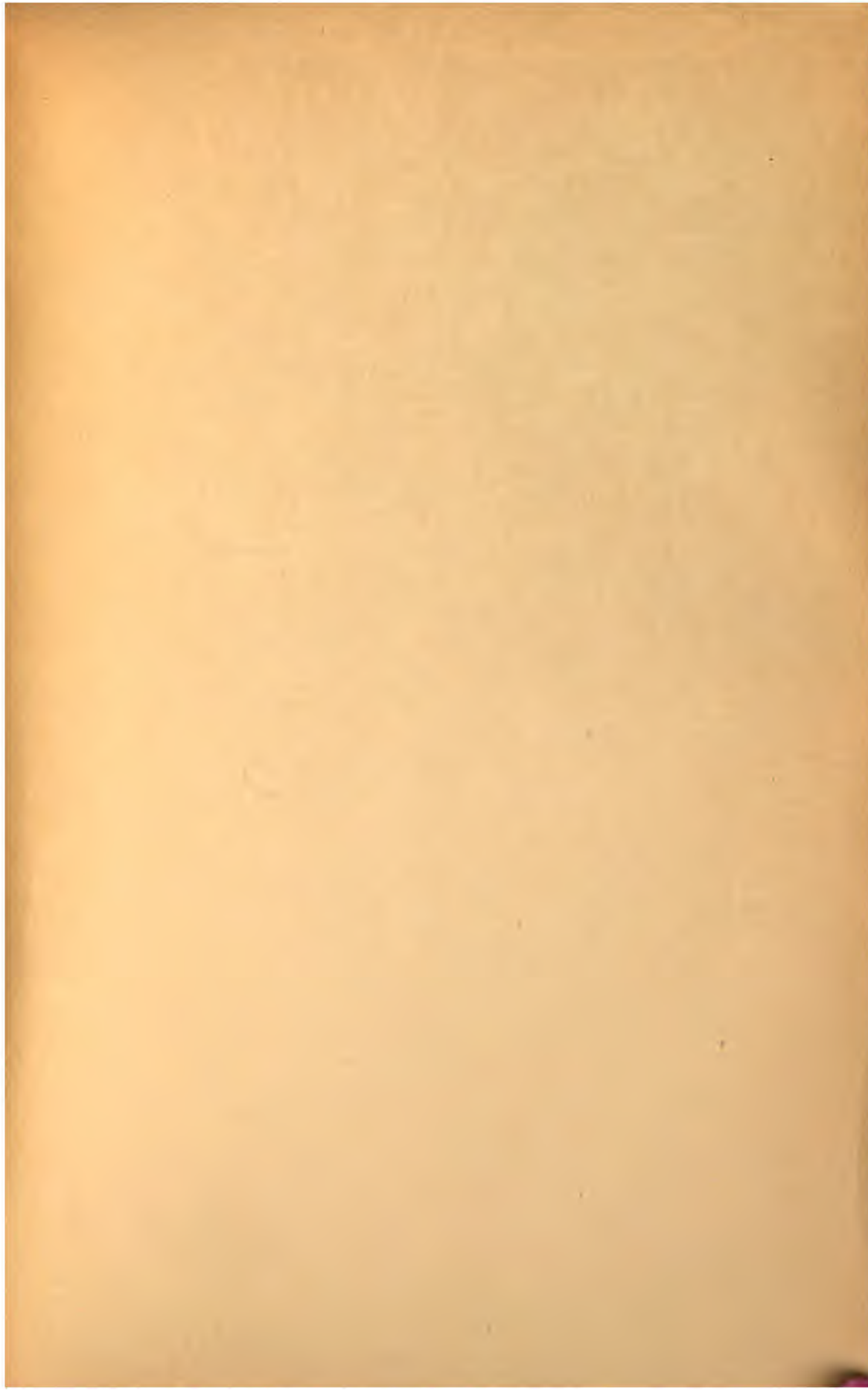
Benton's Thirty Years' View. Complete in 3 vols., octavo. Price, per vol., \$2 50, cloth; \$3 00 library, leather. Either vol. sold separate.

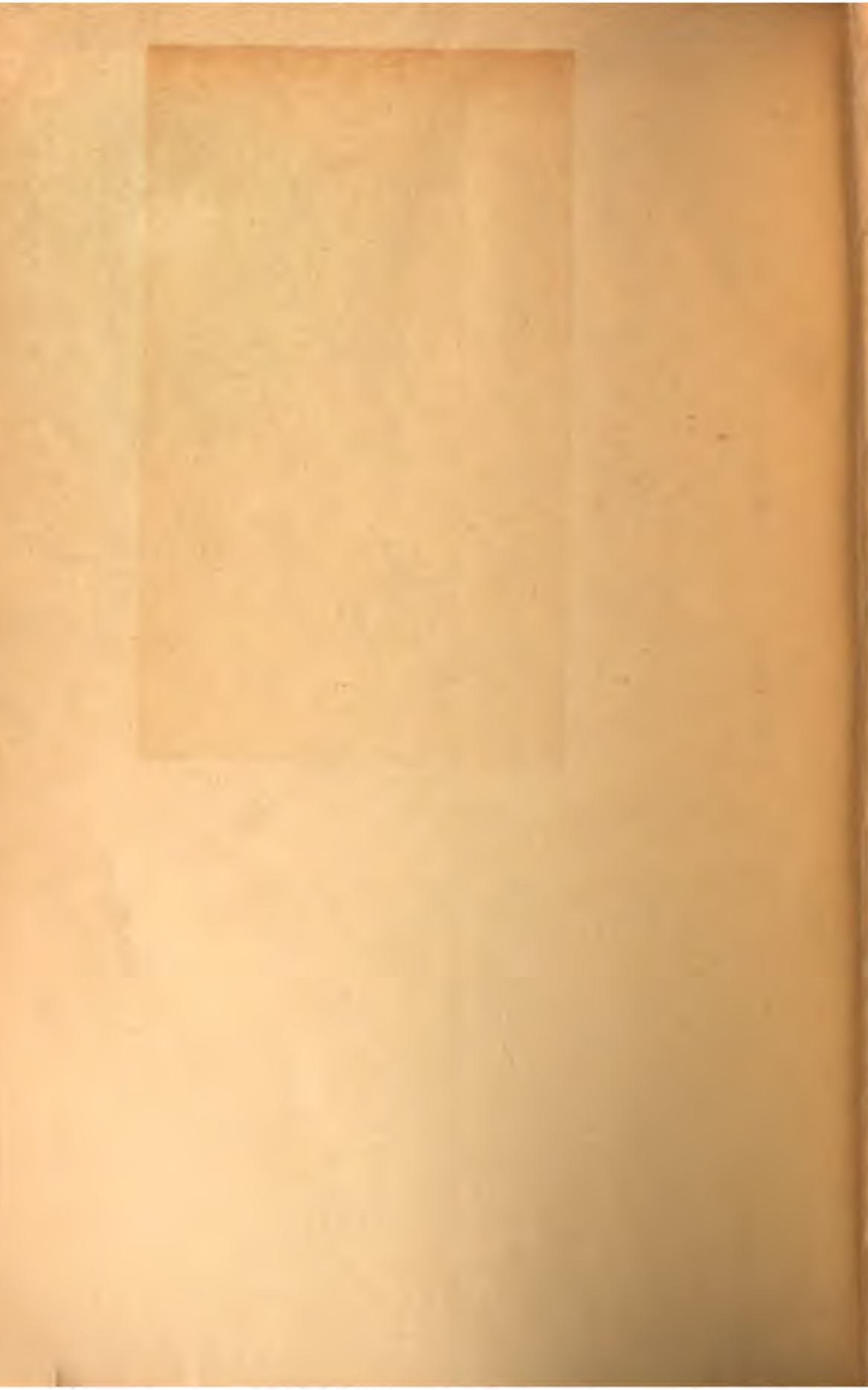
TERMS. Cash on delivery of the vols. as issued.

 No books sent on commission. Catalogues of our publications furnished gratis, on application.

ar. 20/11

3





This book should be returned to
the Library on or before the last date
stamped below.

A fine of five cents a day is incurred
by retaining it beyond the specified
time.

Please return promptly.

2044 106 525 975